



CHAPTER xliv.

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Rochdale in connection with their several undertakings to consolidate the local rates leviable in the borough to make better provision for the health local government and finance of the borough and for other purposes.

A.D. 1925.

[31st July 1925.]

WHEREAS the borough of Rochdale (in this Act referred to as "the borough") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the mayor aldermen and burgesses of the borough (in this Act referred to as "the Corporation") acting by the council are the urban sanitary authority for the borough :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their tramways undertaking including powers in relation to the running of omnibuses :

And whereas the tramways in the urban districts of Littleborough Wardle Whitworth and Milnrow and the light railway in the borough of Bacup are now worked by the Corporation and it is expedient that the maximum fares chargeable on those tramways and light railway should be increased as by this Act provided :

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And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their water gas and electricity undertakings respectively :

And whereas it is expedient that further and better provision should be made with reference to streets and buildings infectious disease and sanitary matters and otherwise for the local government health improvement and finance of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended :

And whereas the expenses of the Corporation whether as a municipal or sanitary authority or otherwise are payable out of the borough fund and borough rate the general purposes account and the rate for general purposes the paving and sewerage account and the rate for paving and sewerage or the cemetery account and the cemetery rate of the borough subject to provisions for differential rating in certain cases and it is expedient that all the said expenses of the Corporation should be defrayed out of the borough fund and the borough rate :

And whereas the township of Rochdale is co-terminous with the borough and it is expedient that the contributions of such township to the borough rate should be levied as part and be paid out of the poor rate for the said township and that in relation thereto the provisions contained in this Act with respect to differential rating in certain cases should be enacted :

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

	£
For the provision of omnibuses - - -	16,200
For the erection and equipment of a garage for omnibuses - - - - -	8,800

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

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Corporation :

And whereas the objects of this Act cannot be attained without the authority of Parliament: A.D. 1925.

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 Rochdale Corporation Act 1925. Short title.

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

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|------|--|-----------------------------------|
| Part | I.—Preliminary. | Division of
Act into
Parts. |
| Part | II.—Omnibuses and tramways. | |
| Part | III.—Water. | |
| Part | IV.—Gas. | |
| Part | V.—Electricity. | |
| Part | VI.—Parks. | |
| Part | VII.—Lands. | |
| Part | VIII.—Streets and buildings. | |
| Part | IX.—Sewers and drains. | |
| Part | X.—Infectious disease and sanitary provisions. | |
| Part | XI.—Human food. | |
| Part | XII.—Common lodging-houses. | |
| Part | XIII.—Police. | |
| Part | XIV.—Rating provisions. | |
| Part | XV.—Finance. | |
| Part | XVI.—Miscellaneous. | |

3. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Public Health Acts meanings are assigned shall have in relation to the relative subject-matter the same respective meanings. And the expressions— Interpreta
tion.

“ The borough ” means the borough of Rochdale;

“ The Corporation ” means the mayor aldermen and burgesses of the borough;

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- “ The council ” means the council of the borough ;
- “ The town clerk ” “ the surveyor ” “ the medical officer ” “ the treasurer ” and “ the sanitary inspector ” mean respectively the town clerk the surveyor the medical officer of health the treasurer and the sanitary inspector of the borough and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officers ;
- “ The borough fund ” “ the borough rate ” “ the general purposes account ” “ the general purposes rate ” “ the paving and sewerage account ” “ the paving and sewerage rate ” “ the cemetery account ” and “ the cemetery rate ” mean respectively the borough fund the borough rate the general purposes account the rate for general purposes the paving and sewerage account the rate for paving and sewerage the cemetery account and the cemetery rate of the borough ;
- “ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same ;
- “ The Municipal Corporations Acts ” means the Municipal Corporations Act 1882 and the Acts amending and extending the same ;
- “ The tramways ” includes the existing tramways of the Corporation and any tramways tramroads or light railways from time to time belonging or demised to or worked or run over by the Corporation and whether within or beyond the borough ;
- “ The tramways undertaking ” means and includes the tramways and omnibus undertakings of the Corporation as from time to time authorised ;
- “ The water limits ” means the limits within which the Corporation are from time to time authorised to supply water ;
- “ The water undertaking ” means the water undertaking of the Corporation as from time to time authorised ;

- “ The gas undertaking ” means the gas undertaking of the Corporation as from time to time authorised;
- “ The electricity undertaking ” means the electricity undertaking of the Corporation as from time to time authorised;
- “ Daily penalty ” means a penalty for every day on which any offence is continued after conviction;
- “ Child ” means a person under the age of sixteen years;
- “ Infectious disease ” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is from time to time applicable within the borough;
- “ Food ” includes every article (other than drugs or water) used for food or drink by man;
- “ The township ” means the township of Rochdale;
- “ The overseers ” means the overseers of the township;
- “ The poor rate ” means the poor rate of the township;
- “ The consolidated rate ” means the poor rate as by this Act authorised to be levied and collected;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;
- “ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security repre-

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senting or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed; and

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation.

PART II.

OMNIBUSES AND TRAMWAYS.

Power to
run
omnibuses.

4.—(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 upon which the Corporation are from time to time empowered to work or run over tramways tramroads or light railways and along any other route within a radius of five miles from the town hall Rochdale.

(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 and not withdrawn by any such person the Minister of Transport shall direct an inquiry.

(3) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor-houses buildings and sheds and may provide such

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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 or with the telegraphic and signalling apparatus of any railway company.

(5) The Corporation shall perform in respect of the omnibuses provided under this section 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.

(6) The provisions of sections 51 and 56 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.

(7) 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.

(8) For the purposes of this section and the section of this Act of which the marginal note is "Adaptation of roads" the expression "road authority" means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with the maintenance of such road or part of a road.

5.—(1) (a) Before the Corporation commence to run omnibuses under the powers of this Act over any road or part of a road it shall be 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 (if any) per mile of road so to be adapted altered or reconstructed or what

Adaptation
of roads.

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— sum of money (if any) 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 or not 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 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.

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(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.

6. Nothing in this Part of this Act shall impose any obligation upon or enlarge any obligation of any railway or canal company to strengthen adapt alter or reconstruct any bridge or road maintainable by them respectively.

As to
bridges and
roads of
railway and
canal
companies.

7.—(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

As to cesser
of powers.

A.D. 1925. from the date on 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 road or part of a road is situate upon such terms as the 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.

8. 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 outside 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 a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Corporation.

Fares and
charges.

9.—(1) Subject to the provisions of this section the Corporation may demand and take for passengers' luggage above twenty-eight pounds in weight and parcels carried on the omnibuses fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport.

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(2) 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.

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

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

(5) The Corporation may if they think fit carry on the omnibuses passengers' luggage and 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.

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

10.—(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

Working
agreements
as to omni-
buses.

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A.D. 1925. — empowered to provide subject to the provisions of the respective Acts under which such omnibus services are 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) : —

(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 services;

(b) The supply by any of the contracting parties under and during the continuance of any such agreement 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.

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11.—(1) The Corporation on the one hand and any other local authority company body or person having statutory powers to own or work any tramways which may now or hereafter be connected with the tramways on the other hand may and shall be deemed always to have had power to enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

Working
agreements
as to tram-
ways.

- (a) The formation of junctions between the tramways of the contracting parties;
- (b) The leasing working running over using maintaining and managing by any or all of the contracting parties or by a joint committee of the contracting parties of the tramways of any or all of the contracting parties and the fixing collecting apportionment and distribution of the rates and profits arising therefrom;
- (c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways of the contracting parties of rolling stock necessary for the purposes of such agreement and the employment of officers and servants;
- (d) The supply of motive power for the working of the tramways of the contracting parties;
- (e) The payments to be made and the conditions to be performed with respect to the matters aforesaid;
- (f) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the contracting parties.

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

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each portion of the entire distance shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

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

For pro-
tection of
Todmorden
Corporation.

12. For the protection of the mayor aldermen and burgesses of the borough of Todmorden (in this section referred to as "the Todmorden Corporation") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the Corporation and the Todmorden Corporation apply and have effect (that is to say):—

(1) (a) In the event of the Corporation running any omnibus along any route or part of a route along which the Todmorden Corporation are for the time being running a service of omnibuses and along which they were running a service of omnibuses on the first day of February one thousand nine hundred and twenty-five the Corporation shall not except as hereinafter in this subsection provided without the previous consent in writing of the Todmorden Corporation take up or set down any passenger or accept or deliver any parcel or luggage on any such route or part of a route;

(b) So long as the Todmorden Corporation continue to maintain a service of omnibuses along the route between the King George Hotel Bacup Deerplay and the existing tramway terminus of the mayor aldermen and burgesses of the county borough of Burnley at Towneley (in this section referred to as "the Bacup and Towneley route") not less efficient than the normal service maintained by them on such route during the month of January one thousand nine hundred and twenty-five the Corporation in running any omnibuses within the borough of Bacup shall not without such consent as aforesaid at any point in the borough of Bacup take up or set down any passenger or accept or deliver any parcel or luggage for conveyance along or after conveyance along any part of the Bacup and Towneley route;

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(c) Nothing in this subsection contained shall prevent the Corporation from setting down or delivering at the tramway terminus at Towneley aforesaid or at any point on the route between such tramway terminus and the cattle market Burnley any passenger parcel or luggage taken up or accepted within the borough of Rochdale or the urban district of Whitworth and conveyed along the Bacup and Towneley route or from taking up any passenger or accepting any parcel or luggage at any point on the said route between the cattle market Burnley and the said tramway terminus at Towneley or at such tramway terminus for conveyance to Whitworth and Rochdale aforesaid along the Bacup and Towneley route :

- (2) The Corporation shall not without such consent as aforesaid enter into any agreement with any local authority company body person or joint committee with respect to the provision maintenance or running by any local authority company body person or joint committee of omnibuses along any route or part of a route along which the Todmorden Corporation are for the time being running a service of omnibuses and along which they were running a service of omnibuses on the first day of February one thousand nine hundred and twenty-five or with a view to or contingent upon such provision maintenance or running unless the same is subject to the restrictions by this section imposed upon the Corporation :
- (3) Any consent of the Todmorden Corporation under this section may be given upon and subject to such terms and conditions as may be specified in such consent.

13. Nothing contained in this Part of this Act shall empower the Corporation except with the consent of the mayor aldermen and burgesses of the borough of Bacup to take up passengers within that borough for the purpose of conveyance in the omnibuses of the Corporation nor shall the Corporation without the like consent exercise within the said borough the powers conferred

For protection of
Bacup Corporation.

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A.D. 1925. — upon them by the sections of this Act of which the marginal notes respectively are "Power to require intending passengers to wait in lines or queues" and "Attachment of signs indicating stopping places to lamp-posts &c."

For protec-
tion of
Ribble
Motor
Services
Limited.

14. Notwithstanding anything contained in this Act the following provisions for the protection of the Ribble Motor Services Limited (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

(1) The Corporation shall not under the provisions of this Part of this Act run a service of omnibuses or enter into any agreement with any local authority company body or person for the running of a service of omnibuses upon any part of the following routes upon which the company are now running an omnibus service namely (a) the route between Rochdale and Burnley viâ Edenfield and Rawtenstall and (b) the route between Rochdale and Blackburn viâ Edenfield and Haslingden Provided that nothing in this section shall limit the powers of the Corporation to run a service of omnibuses upon any route in the borough or along the above-mentioned route between Rochdale and Blackburn as far as the existing terminus of the tramways of the Corporation at Norden Provided also that this subsection shall have effect as regards any particular route so long only as the company provide an efficient service of omnibuses on that route but failure on the part of the company to provide an efficient service of omnibuses on any such route shall not deprive the company of the protection afforded by this subsection if such failure is due to strikes or unforeseen accidents or circumstances beyond the control of the company:

(2) Any question at any time arising between the Corporation and the company as to whether or not the company are providing an efficient

service of omnibuses within the meaning of this section shall be determined by the Minister of Transport on the application of either party after notice in writing to the other and the provisions of the Arbitration Act 1889 shall subject as aforesaid apply to the determination of any such question.

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15. For the protection of the mayor aldermen and burgesses of the borough of Heywood (in this section referred to as "the Heywood Corporation") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the Corporation and the Heywood Corporation apply and have effect (that is to say):—

For protec
tion of
Heywood
Corporation.

(1) So long as an efficient service of tramcars is provided along the existing tramway route between the centre of Rochdale and the centre of Bury the Corporation shall not under the provisions of this Part of this Act run a service of omnibuses between the centre of Rochdale and the centre of Bury either along the said tramway route or along the Bury Old Road Provided that nothing in this section contained shall limit the powers of the Corporation to run a service of omnibuses upon any route within the borough or along the Bury Old Road between the existing termini in that road of the tramways of the Corporation and of the mayor aldermen and burgesses of the borough of Bury Provided also that failure to provide an efficient service which is due to strikes or unforeseen accidents or circumstances beyond the control of the bodies or persons providing the service of tramcars shall not entitle the Corporation to run a service of omnibuses:

(2) Any question at any time arising between the Corporation and the Heywood Corporation as to whether or not an efficient service of tramcars within the meaning of this section is being provided shall be determined by the Minister of Transport on the application of either party after notice in writing to the other and the provisions of the Arbitration Act 1889 shall

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subject as aforesaid apply to the determination of any such question.

For protection of Middleton Electric Traction Company Limited.

16. Notwithstanding anything contained in this Act the following provisions for the protection of the Middleton Electric Traction Company Limited or other the owners or lessees for the time being of the light railways authorised by the Middleton Light Railways Orders 1898 to 1920 (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say) :—

The Corporation shall not under the provisions of this Part of this Act run a service of omnibuses or enter into any agreement with any local authority company body or person for running a service of omnibuses along the route of or in competition with any part of the light railways of the company in the borough of Middleton and any question at any time arising between the Corporation and the company as to whether such competition exists or would exist shall be determined by the Minister of Transport on the application of either party after notice in writing to the other and the provisions of the Arbitration Act 1889 shall subject as aforesaid apply to the determination of any such question.

Definition of "cars."

17. In the provisions of this Part of this Act hereinafter contained the expressions "the cars" and "cars" mean the carriages used on the tramways and the omnibuses of the Corporation.

Power to appoint stages.

18. The Corporation may appoint stages upon the tramways each of not less than half a mile in length and may demand and take for every passenger travelling upon the tramways including every expense incidental to the conveyance of such passenger any rates or charges not exceeding three halfpence for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed to be a stage.

Power to reserve cars for special purposes.

19.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Corporation may on any occasion run and reserve cars for any special

purpose which the Corporation may consider necessary or desirable: A.D. 1925.

Provided that—

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

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

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

20. For the better regulation of persons desiring to travel in the cars the Corporation may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may with the consent of the road authority use part of the highway and the Corporation may make byelaws requiring persons waiting to enter the cars at any stopping place or terminus to wait in lines or queues and to enter the cars in the order in which they stood in such line or queue. Provided that no barrier or post shall be erected and maintained on any bridge carrying any street or road over the railways of the London Midland and Scottish Railway Company or the approaches to any such bridge nor shall any barrier or post be erected or line or queue be formed so as to cause interference with or render less convenient the access to or exit from any station or depôt belonging to that company.

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

21. Any property found in any of the cars shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it

Property found in cars.

[Ch. xliv.] *Rochdale Corporation* [15. & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — 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 shall be treated as part of the revenue of the tramways undertaking.

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

22.—(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 cars signs or directions indicating the position of stopping places :

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

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

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

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to a railway company without their consent in writing which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined in accordance with the provisions of the Arbitration Act 1889.

Penalty for
malicious
damage.

23. If any person wilfully and unlawfully does or causes to be done with respect to any omnibus of the Corporation anything which is calculated to obstruct or interfere with the working thereof or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds.

24. Section 38 (Power to take tolls and charges) of the Rochdale Corporation Act 1900 shall be read and have effect as if the words "three halfpence" were inserted therein in lieu of the words "one penny" and section 42 (Cheap fares for labouring classes) of the said Act shall be read and have effect as if the words "one penny" were inserted therein in lieu of the words "one halfpenny."

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—
Amend-
ment of
sections 38
and 42 of
Act of
1900.

25. If at any time after three years from the passing of this Act or after three years from the date of any order made in pursuance of this section in respect of the tramways owned by the Corporation or any tramways or light railways referred to in the next five succeeding sections of this Act or any portion thereof it is represented in writing to the Minister of Transport by the local authority of any district in which such tramways or light railways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the said tramways or light railways or on such portion should be revised the Minister of Transport may (if he think fit) direct an inquiry and if the person holding such inquiry reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the Minister may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the said tramways or light railways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Transport made in pursuance of this section.

Periodical
revision of
fares and
charges.

26. Section 28 (Passengers' fares) of the Littleborough Urban District Council Tramways Order 1901 shall be read and have effect as if the words "three halfpence" were inserted therein in lieu of the words "one penny" and section 31 (Cheap fares for labouring classes) of the said Order shall be read and have effect as if the words "one penny" were inserted therein in lieu of the words "one halfpenny."

Amendment
of sections
28 and 31 of
Order of
1901.

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Amendment
of sections
27 and 30 of
Order of
1904.

27. Section 27 (Passengers' fares) of the Wardle Urban District Council Tramway Order 1904 shall be read and have effect as if the words "three halfpence" were inserted therein in lieu of the words "one penny" and section 30 (Cheap fares for labouring classes) of the said Order shall be read and have effect as if the words "one penny" were inserted therein in lieu of the words "one halfpenny."

Amendment
of sections
30 and 33 of
Order of
1909.

28. Section 30 (Passengers' fares) of the Whitworth Urban District Council Tramways Order 1909 shall be read and have effect as if the words "three halfpence" were inserted therein in lieu of the words "one penny" and section 33 (Cheap fares for labouring classes) of the said Order shall be read and have effect as if the words "one penny" were inserted therein in lieu of the words "one halfpenny."

Amendment
of sections
32 and 35 of
Order of
1910.

29. Section 32 (Passengers' fares) of the Milnrow Urban District Council Tramways Order 1910 shall be read and have effect as if the words "three halfpence" were inserted therein in lieu of the words "one penny" and section 35 (Cheap fares for labouring classes) of the said Order shall be read and have effect as if the words "one penny" were inserted therein in lieu of the words "one halfpenny."

Amendment
of sections
47 and 51 of
Order of
1910.

30. Section 47 (Rates for passengers) of the Bacup Corporation Light Railway Order 1910 shall be read and have effect as if the words "three halfpence" were inserted therein in lieu of the words "one penny" and section 51 (Cheap fares for labouring classes) of the said Order shall be read and have effect as if the words "one penny" were inserted therein in lieu of the words "one halfpenny."

Application
of Tram-
ways Act
to byelaws.

31. Any byelaws made under this Part of this Act shall be made subject and according to the provisions of sections 46 and 47 of the Tramways Act 1870 and those provisions shall apply accordingly.

Consents
of local
and road
authorities.

32. Subject to the provisions of this Act where the consent or approval of any local or road authority is by this Part of this Act required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference arises

as to whether any consent or approval is unreasonably withheld that difference shall be determined by the Minister of Transport.

A.D. 1925.

33. The Corporation shall keep the accounts in respect of the tramways undertaking so as to show separately (so far as may be reasonably practicable) the receipts and expenditure in regard to their tramways and omnibuses and in such accounts capital shall be distinguished from revenue.

Accounts of tramways undertaking.

34. 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 that Minister a copy of the annual accounts of the tramways undertaking.

Accounts to be furnished to Minister of Transport.

PART III.

WATER.

35. The Corporation shall have the same powers and be subject to the same restrictions for carrying water mains within or without the water limits as they have or are subject to for carrying sewers within or without their district respectively by the law for the time being in force.

Powers in relation to water mains.

36.—(1) The Corporation may subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes construct place fix and maintain in or under any street within the borough and with the consent of the road authority any street outside the borough which is within the water limits tanks or other receptacles for use by the users of road locomotives or motor cars with all necessary or convenient apparatus and appliances (including covers or boxes and pillars or standpipes projecting above the level of the surface of the street) for taking or using water from such tanks or receptacles.

Power to provide water tanks under streets.

(2) The Corporation may make and recover such charges as they may think fit for any water so taken or used and make regulations as to the taking or use of such water and the issuing of permits for such taking or use and the mode of payment of the charges of the Corporation therefor.

[Ch. xlii.] *Rochdale Corporation* [15 & 16 Geo. 5.]
Act, 1925.

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(3) If any person shall take or use any water from any such tank or receptacle as aforesaid without being duly authorised so to do by the Corporation he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

(4) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in any street in under or near to which any such tank or other receptacle is constructed or placed signs or directions indicating the position of such tank or other receptacle and the means by which water may be obtained from the same :

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

(5) The Corporation may in any such street as aforesaid erect place fix and maintain posts or poles for carrying such signs or directions as aforesaid but shall not use for the purpose any part of the highway without the consent of the road authority.

(6) The Corporation shall not under the powers of this section construct or place any such tank or receptacle as aforesaid on any county bridge or the approaches thereto or on any bridge carrying any street or road over the railways of any railway company or under any bridge carrying any such railway over any street or road or within ten feet of any abutment of any such bridge or so as to interfere with or render less convenient the access to or exit from any station or depôt of such company.

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

(8) 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.

37. Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus and stopcocks on or in any mains or pipes supplying houses with water within the water limits (without thereby in any way affecting the ownership of any such mains or pipes) and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and for that purpose stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Corporation shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act:

A.D. 1925.

—
Detection
of waste.

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

38. If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe within the water limits which the Corporation are not under obligation to maintain it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Corporation for the purpose of ascertaining the injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier

Power to
Corporation
to repair
communica-
tion pipes.

A.D. 1925. in like manner as the water rates in respect of the premises are recoverable. Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given notice to the occupier of such house or premises and in any case where the communication pipe is repairable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Power to lay water pipes in private streets.

39.—(1) The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or in process of erection in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply as if section 29 of that Act were excepted from incorporation in the Acts relating to the water undertaking.

(2) Nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company without the consent of that company nor shall any work be constructed under this section so as to interfere with or render less convenient the access to or exit from any such station or depôt.

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

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

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

whom the agreement is made and shall be recoverable summarily as a civil debt. A.D. 1925.

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

Corpora-
tion not
bound to
supply
several
houses by
one pipe.

Provided that this subsection shall not apply in respect of any house to which at the date of the passing of this Act an adequate supply of water is being afforded by the Corporation.

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

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

Mainten-
ance of
common
pipe.

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

Cleansing
of cisterns.

44. In the event of any meter used by a consumer of water 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 The amount of the allowance to be made to or

Period of
error in
defective
meters.

A.D. 1925.

of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as rates for water are recoverable by the Corporation.

Notice to Corporation of connecting or disconnecting meters.

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

Notice to discontinue supply of water.

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

Penalty for closing valves and apparatus.

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

Supply to houses partly used for trade &c.

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

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any workhouse hospital (whether public or private) school club hotel restaurant public-house inn or common lodging-house; or

(c) any public institution which is habitually occupied by at least twelve persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate.

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

Byelaws
for pre-
venting
pollution
of water.

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

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

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

(5) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

(6) If for the purpose of complying with any byelaws made by the Corporation under this section any local authority shall construct any new drain sewer or

A.D. 1925. works or enlarge any existing drain sewer or works the Corporation shall pay to the local authority—

(a) the interest and sinking fund payments or contributions incurred annually by the local authority in respect of any moneys borrowed for and/or

(b) such annual sum as the Corporation and the local authority agree or the Ministry of Health on the application of either party determine in respect of the amount expended otherwise than out of borrowed moneys on

the construction of the whole or such part of the drain sewer and works or the whole or such portion of the enlargement of the drain sewer and works (as the case may be) as from time to time the Corporation and the local authority agree or the said Ministry on the application of either party determine would not be necessary except for the purpose of complying with the said byelaws.

(7) Notwithstanding anything in section 253 of the Public Health Act 1875 proceedings for the recovery of any penalty imposed by any byelaw made under this section may be taken by the Corporation without the consent in writing of the Attorney-General.

Confirma-
tion of
agreements
with Bacup
Corporation.

50. The agreements dated respectively the seventeenth day of April one thousand nine hundred and twenty and the sixth day of October one thousand nine hundred and twenty-four and made between the mayor aldermen and burgesses of the borough of Bacup of the one part and the mayor aldermen and burgesses of the borough of Rochdale of the other part set forth in the First Schedule to this Act are hereby confirmed and made binding on the parties thereto.

For pro-
tection of
London
Midland
and
Scottish
Railway
Company.

51. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the railway company") shall unless otherwise agreed between the Corporation and the railway company be in force and have effect in relation to the exercise of the powers of the section of this Act of which the marginal note is "Powers in relation to water mains":—

(1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or

other works of the Corporation upon across over under or in any way affecting the railways lands or property belonging to the railway company or used or occupied by them for the purposes of their undertaking or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence if the same be given and to the reasonable satisfaction of the principal engineer of the railway company and except in cases of emergency according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Corporation Provided that if the said engineer shall not express his disapproval of such plans within twenty-one days from the submission thereof he shall be deemed to have approved thereof :

- (2) The Corporation shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all the works matters and things aforesaid shall be constructed executed and done so as not to cause any injury to the railways bridges level crossings approaches viaducts stations works lands or property of the railway company or interruption to the passage or conduct of traffic over such railways or at any station thereon :
- (3) If any such injury or interruption as aforesaid shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Corporation shall make compensation in respect thereof to the railway company :
- (4) Any dispute or difference which may arise between the railway company and the Corporation with reference to the provisions of this section shall be settled by arbitration by an engineer to be appointed on the application of

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either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

PART IV.

GAS.

Power to lay gas pipes in private streets.

52.—(1) The Corporation may on the application of the owner or occupier of any premises within the limits for the supply of gas by the Corporation abutting on or in process of erection in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in the Acts relating to the gas undertaking.

(2) Nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company without the consent of that company nor shall any work be constructed under this section so as to interfere with or render less convenient the access to or exit from any such station or depôt.

Relief from obligation to supply.

53.—(1) Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Corporation is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the limits for the supply of gas by the Corporation for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Corporation notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

(a) a new supply of gas for the premises of any person demanding such supply at any time after the passing of this Act; or

(b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas)

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where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation.

(2) The foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Corporation—

- (a) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or
- (b) to make such payment or payments to the Corporation (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Corporation may reasonably require

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Corporation may reasonably demand.

(3) If any question shall arise under the provisions of this section between the Corporation and the applicant as to the sufficiency of the distribution works of the Corporation or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Corporation or as to the nature or amount of the security demanded by the Corporation such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Corporation and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding.

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(4) In determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say):—

(a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant;

(b) the capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and

(c) how far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply.

(5) Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

Consumers
to give
notice to
Corporation
before
removing.

54. At least twenty-four hours' notice shall be given to the Corporation by every gas consumer either personally at the office of the Corporation or in writing before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Corporation.

As to mode
of cutting
off supplies.

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

to the consumer or to the Corporation) and any person who shall re-connect such service pipe with the meter without the consent of the Corporation shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847 :

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Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Corporation subject to the provisions of section 22 of the Gasworks Clauses Act 1871 shall have and may exercise the like powers of entry as are exerciseable under that section and any person hindering the exercise of such powers shall be liable to a penalty not exceeding five pounds.

56. If the Corporation shall at any time serve notice upon any consumer to the effect that an officer or servant of the Corporation has reported after inspection of any internal piping or gas consuming appliance or fitting on such consumer's premises that he is of opinion that any such internal piping or gas consuming appliance or fitting is in such a condition as to be dangerous to the occupiers of the premises such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger. If the consumer shall fail forthwith to carry out such works as aforesaid the Corporation may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Corporation shall think fit. Any expenses incurred by the Corporation in cutting off the gas from such premises may be recovered by the Corporation summarily as a civil debt.

Power to compel repairs in case of danger.

57. In any case in which in consequence of any default on the part of the occupier of any premises the Corporation have under any powers of the Corporation in that behalf cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Corporation the expenses of re-connecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

Expense of re-connecting supply of gas.

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Notice to
discon-
tinue supply
of gas.

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

Supply of
gas where
consumer
has separate
supply.

59. 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 annual 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 in manner provided by the Arbitration Act 1889.

Anti-
fluctuators
to be used
with gas
engines.

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

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

(3) The Corporation may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Corporation and for the purpose of ascertaining whether the anti-fluctuator is efficient and

in proper order and repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Corporation if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer. A.D. 1925.

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

61.—(1) Every consumer of gas supplied by the Corporation who uses air at high pressure for or in connection with the consumption of such gas (in this section referred to as "high-pressure air") shall if required to do so by the Corporation provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such air into the service pipe or any main through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise. Provision
of valve
where high-
pressure air
is used.

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

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

(4) If any consumer shall fail to comply with any requirement of the Corporation or any obligation under this section the Corporation may cease to supply gas to

A.D. 1925. — him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

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

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

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

(6) The Corporation shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air is used or the Corporation have reason to believe that high-pressure air is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

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

PART V.

ELECTRICITY.

Power to construct electrical sub-stations under streets.

62.—(1) The Corporation may subject to the provisions of the Rochdale Electric Lighting Order 1898 or the Rochdale Electricity Extension Special Order 1925 as the case may be and this Act and of the Electricity (Supply) Acts 1882 to 1922 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the limits within which the Corporation are from time to time authorised to

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supply electricity and with the consent of the road authority in any district outside such limits within which the Corporation are from time to time affording a supply of electricity in bulk sub-stations transforming stations transformer-kiosks and other works in connection with the electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations transformer-kiosks and other works as may be necessary or convenient.

(2) No sub-station transforming station transformer-kiosk or other work shall be constructed so as to interfere with or render less convenient the access to or exit from any station or depôt of any railway or canal company or upon or under any bridge of a railway or canal company or the approaches thereto except with the consent in writing of such company.

63.—(1) The Corporation may upon the application of the owner or occupier of any premises within the limits within which the Corporation are from time to time authorised to supply electricity abutting on or in process of erection in any street not repairable by the inhabitants at large laid out or made and whether dedicated to public use or not supply such premises with electricity and may lay down take up alter relay or renew electric lines and apparatus in across or along such street and the provisions of the Rochdale Electric Lighting Order 1898 or the Rochdale Electricity Extension Special Order 1925 as the case may be and of the Electricity (Supply) Acts 1882 to 1922 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes thereof and to any works constructed or executed by the Corporation under the powers of this section.

Power to lay electric lines in private streets.

(2) Nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company nor shall any work be constructed under this section so as to interfere with or render less convenient the access to or exit from any such station or depôt.

64.—(1) No consumer to whom electricity is supplied by the Corporation for power purposes shall without the consent in writing of the Corporation use

Use for lighting purposes of

A.D. 1925. such electricity for lighting purposes or suffer it to be so used.

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

Power to
recover
charge for
re-con-
necting.

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

Notice to
discon-
tinue supply
of elec-
tricity.

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

Period of
error in
defective
meters.

67.—(1) 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

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proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year or month unless it is proved to have first arisen during the then current quarter or month according as the account for the supply is rendered quarterly or monthly.

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

68.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 of the Electric Lighting Act 1882 or of that section as extended by section 16 of the Electric Lighting Act 1909 or from exercising the powers contained in those sections shall be liable to a penalty not exceeding five pounds.

Entry upon
premises
and penalty
for obstruction.

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

69. The Corporation for the purpose of preventing fire in or injury to any building or premises supplied with electricity by the Corporation or injury to any person may make byelaws with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section Provided that nothing contained in this section or in any byelaw to be made thereunder shall apply to or in respect of any building or premises (other than a dwelling-house) belonging to a railway company.

Byelaws
as to
apparatus
and fittings.

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Receipts
and
expenses

70. Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses and any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

PART VI.

PARKS.

Power to
let parks
to cricket
clubs &c.

71. The Corporation may from time to time let for terms not exceeding twelve months to any club company body or person any portion of any park set apart by them for any purpose under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and may upon such portions so set apart erect construct and maintain all proper and convenient houses pavilions dressing-rooms and other buildings works and conveniences. 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 any such park existing at the passing of this Act.

Charge for
use of parts
of parks
set apart
for certain
purposes.

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

Park-
keepers
may be
made
constables.

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

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

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

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

Receipts and expenses under Part VI. of Act.

PART VII.

LANDS.

75.—(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.

Further powers for acquisition of land.

(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.

76.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange

Retention and disposal of lands.

A.D. 1925. or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act from time to time in force in the borough and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

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

Proceeds
of sale of
surplus
lands.

77.—(1) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall subject to the provisions of the section of this Act of which the marginal note is "Consolidated loans fund" apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Subject as aforesaid any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

PART VIII.

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STREETS AND BUILDINGS.

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

Building
line in
streets.

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

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

(5) In the event of the Corporation requiring as a condition for their approval of any such plan the setting back of the building line shown on the plan to a greater

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A.D. 1925. distance from the centre of a new street than one half of the width of the street and ten feet in addition or in the event of the Corporation prescribing a building line at a greater distance from the centre of a street already formed than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

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

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

(8) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Adjustment
of bound-
aries.

79.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient

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for such purposes and the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister of Health and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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

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

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the

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A.D. 1925. 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.

Widening
roads when
only one
side is
built upon.

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

(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.

Laying out
of streets
by Corpora-
tion.

81. The Corporation may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Corporation may maintain in good order any grass margins trees gardens guards and fences in any such street and alter or renew the same and may add to the carriageway or footway of any such street any part of such grass margins parts planted with trees or parts laid out as gardens as aforesaid and may alter or re-arrange the parts of any street laid out as carriageway or footway respectively :

Provided that nothing in this section contained shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street.

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82.—(1) The Corporation may grant to the owner or with the consent of the owner to the lessee or occupier of any premises abutting upon any street repairable by the inhabitants at large or any public highway a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without trucks by means of a bridge over such street or highway for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given on such terms and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit Provided that—

Power to
license
bridges
over
streets.

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

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

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

(d) in the event of the construction removal or alteration of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1924 be deemed part of the street or road which it crosses.

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

Restriction on placing rails beams &c. over streets.

83.—(1) It shall not be lawful for any person to fix or place any overhead rail beam pipe cable wire or other similar apparatus over across or along any street without the consent of the Corporation which consent the Corporation may give. Such consent shall be in writing under the hand of the town clerk and may contain such reasonable terms and conditions as the Corporation think fit.

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

(3) Nothing in this section shall extend to—

- (a) any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of that Act apply;
- (b) any apparatus belonging to the Postmaster-General; and
- (c) any apparatus lawfully fixed and placed for telegraphic telephonic wireless telegraphic and telephonic or railway signalling purposes or for railway working by electricity.

Prevention and removal of projections over streets.

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

Street orderly bins.

85. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and

the storage of sand grit or shingle in upon or under the streets of such dimensions and in such positions as the Corporation may from time to time determine :

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

86.—(1) The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon any private street communicating with any public street shall so fence off channel or embank their lands as to prevent soil sand clay cinders or other like substances from such lands from falling upon or being washed or carried into any public street or sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully or cause the houses in such street to be flooded.

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

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

(3) For the purpose of this section “ public street ” means so much of a street repairable by the inhabitants at large as is sewered and “ private street ” means a street not so repairable.

(4) Provided that—

(a) Such owner or occupier shall not be responsible for any soil sand clay cinders or other substances from land other than his own although such soil sand clay cinders or other substances may have passed over the land of such owner or occupier ;

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

87. Where premises abutting upon any street are so situate that the surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within fourteen days after service of a notice by the Corporation for that purpose execute

For preventing water flowing on footpaths.

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A.D. 1925. — such works as may be reasonably practicable to prevent the water from such premises from flowing over the foot-path and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Surface
water
channels
to be kept
in good
repair.

88.—(1) The owner or owners of any premises the water from which is carried away by any drain tunnel or gutter referred to in section XC. (Underground drains to be formed) of the Rochdale Improvement Act 1853 shall keep such drain tunnel or gutter unobstructed and in good repair and any person who after reasonable notice in writing from the Corporation shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

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

As to
urgent
repairs to
stairs
passages &c.

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

Byelaws
as to
wires &c.
connected
with
wireless
installa-
tions.

90. The powers of the Corporation with reference to the making of byelaws under Part II. (Telegraph &c. wires) of the Public Health Acts Amendment Act 1890 are hereby extended so as to enable the Corporation from time to time to make alter and repeal byelaws for the prevention of danger or obstruction to the public from

posts wires tubes aerials or any other apparatus in connection with or for the purposes of wireless telegraphy or telephony installations stretched or placed whether before or after the passing of this Act above over along or across any street or in such position above or over any building or other erection or garden or other place as to be liable to fall on to any street. Nothing in such byelaws shall extend to or include any apparatus belonging to a railway company and used by them in connection with their business.

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91. 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.

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

Amend-
ment of
section 157
of Public
Health
Act 1875.

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

(6) For securing the adequate lighting of buildings.

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

(3) Any byelaws under the said section 157 as above extended with regard to the adequate lighting of buildings may be made so as to affect buildings erected before the times mentioned in the said section.

93. The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall

Byelaws
as to altera-
tions of
buildings.

[Ch. xlv.] *Rochdale Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. extend to authorise the making of byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission of such plans and sections as can be required in relation to the erection of a new building.

Sufficient and proper food storage accommodation to be provided.

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

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

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

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

Dilapidated and neglected buildings.

95.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or other-

wise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or to repair such building (in this section referred to as a "neglected structure") or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing. A.D. 1925.

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

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

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

96. All bridges (other than bridges which the inhabitants are by law liable to maintain and repair and other than bridges authorised to be made by any railway company) hereafter erected which form a continuation of any street laid out or to be laid out in accordance with the byelaws relating to new streets and the approaches to such bridges shall be of such width and gradients as the
Erection of bridges.

[Ch. xliv.] *Rochdale Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. Corporation approve and shall be built in accordance with specifications plans and sections to be submitted to and approved by the Corporation and it shall not be lawful to erect any such bridge except in accordance with the provisions of this section and any person acting in contravention of such provisions shall be liable to a penalty not exceeding twenty pounds and the Corporation may remove alter or pull down any work begun or done in contravention of this section and recover the expenses incurred by them in so doing from such person.

For protection of railway companies.

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

Prevention and removal of projections over streets;
For preventing soil &c. from being washed into streets;

For preventing water flowing on footpaths;

Surface water channels to be kept in good repair;

As to repair of hoardings;

Dilapidated and neglected buildings;

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

PART IX.

SEWERS AND DRAINS.

Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

98.—(1) Where two or more houses or premises are connected to 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 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 or premises in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall

be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly. A.D. 1925.

(2) Section 19 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 two or more houses or premises whether owned or occupied by the same person or not.

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

Corporation
may order
houses to
be drained
by a com-
bined drain.

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

(3) 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

A.D. 1925. appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Reconstruction of drains.

100.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain which communicates or is intended or required to communicate with any public sewer except in accordance with the enactments and byelaws relating to the drainage of existing buildings for the time being in force.

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

(3) Nothing in this section contained shall apply to the reconstruction or alteration by a railway company of any drain upon premises (other than a dwelling-house) used by them for the purposes of their railway undertaking.

PART X.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Notification of infectious disease to teachers.

101.—(1) Any parent or other person liable to maintain a child in attendance at a school who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher of the school shall be liable to a penalty not exceeding twenty shillings.

(2) In any proceeding under this section a certificate purporting to be under the hand of the head teacher of an elementary school or continuation school stating that he has or has not received any notification as required by this section shall be evidence of the facts stated in the certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

Power to close Sunday schools and exclude

102.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the borough require the closing of any school

in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday 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.

A.D. 1925.

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children
from enter-
tainments.

(2) Any person responsible for the conduct or management of any 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.

103.—(1) No person over the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday or place of public entertainment or assembly without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such last-mentioned school or place of public entertainment or assembly without undue risk of communicating disease to others.

Restriction
on attend-
ance of
children at
places of
assembly.

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

104. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes in addition to the diseases included in the definition contained in the section of this Act of which the marginal note is "Interpretation" measles German measles whooping cough chicken pox ringworm scabies and influenza.

Extended
meaning of
"infectious
disease"
for certain
purposes.

A.D. 1925.
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Removal
to hospital
of persons
suffering
from pul-
monary
tuber-
culosis.

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

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

(3) (i) Where—

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

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

(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 the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

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

Disinfection
in case of
tuber-
culosis.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if so having

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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 town clerk and who shall produce his authority enter on any premises between the hours of nine 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 sustain any damage by reason of the exercise by the Corporation of any of the powers of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of the

compensation shall be recoverable in and in case of dispute may be settled by a court of summary jurisdiction.

A.D. 1925.
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107.—(1) It shall not be lawful for any person to use any ashbin or dustbin for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

Restriction
as to use of
dustbins.

(2) Any person contravening the provisions of this section shall be liable to a penalty of ten shillings and to a daily penalty of ten shillings.

108.—(1) The Corporation may prescribe the maximum and minimum dimensions and the materials of ashbins.

Regulation
ashbins.

(2) All dwelling-houses warehouses and shops (other than a dwelling-house warehouse or shop provided at the passing of this Act with an ashpit or other receptacle for refuse which is in good order and condition) shall be provided by the owner or occupier with an ashbin of such dimensions and materials as may be prescribed by the Corporation.

(3) In any case in which a dwelling-house warehouse or shop is at the passing of this Act provided with an ashpit or other receptacle for refuse which is in good order and condition (not being an ashbin of the dimensions and materials prescribed as aforesaid) the Corporation may at their own expense provide an ashbin of the dimensions and materials prescribed as aforesaid in lieu of the receptacle already provided.

(4) Any ashbin provided or substituted under the provisions of this section shall be maintained in good order and condition by the owner or occupier of the premises at which the same is in use.

(5) If any owner or occupier fail to comply with his obligations under subsections (2) or (4) of this section the Corporation may by notice in writing require such owner or occupier to provide repair or renew such ashbin as the case may be and if such owner or occupier shall fail to comply with such notice within fourteen days from the date thereof the Corporation may themselves provide repair or renew the same and recover the cost of so doing from such owner or occupier.

A.D. 1925.

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Defining
establish-
ment of
a new
business.

109.—(1) For the purposes of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 a trade business or manufacture shall be deemed to be established not only if it is established for the first time but also if without the consent of the Corporation—

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

but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership or tenancy of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Corporation to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may be given so as to continue in force for such period only as the Corporation may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

As to
penalty for
smoke
nuisance.

110. Section 98 of the Public Health Act 1875 shall in its application to the borough in relation to the abatement of nuisance arising from smoke be read and have effect as if the sum of ten pounds were referred to therein instead of the sums of ten shillings and twenty shillings.

Preventing
nuisance
caused by
emission of
grit from
chimneys.

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

(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.

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112.—(1) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

Caravans
not to stand
in courts
&c.

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

113. Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement at least twice in a newspaper published or circulating in the borough.

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

PART XI.

HUMAN FOOD.

114.—(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 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
tuber-
culosis
from selling
&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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Byelaws
as to food.

115.—(1) The Corporation may make byelaws for promoting sanitary and cleanly conditions in the manufacture preparation storage transport or exposure for sale of any article intended to be sold for the food of man.

(2) Before confirming any byelaws made under this section as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts 1901 to 1920 apply the Minister of Health shall consult the Secretary of State.

(3) At least one month before applying to the Minister of Health for confirmation of any byelaws made under this section applicable to the storage or transport by a railway company of any such article the Corporation shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Ministry of Health with regard thereto.

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

Sanitary
regulations
for premises
where food
is deposited
for sale.

116.—(1) The following provisions shall apply to any room shop or other part of a building in which any article whether solid or liquid intended or adapted for food is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale or (in the case of hotels or boarding-houses where not less than six persons are boarded or lodged at any one time and in the case of restaurants and tea rooms) with a view to consumption on the premises :—

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

(b) No urinal watercloset earthcloset privy ashpit or other like sanitary convenience shall be

within such room shop or other part of a building or shall communicate therewith except through the open air or through an intervening ventilated space;

- (c) No cistern for supplying water to such room shop or other part of a building shall be in direct communication with and directly discharge into any such sanitary convenience;
- (d) 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 and no gully or watercloset shall be placed in such a position that offensive odours from such gully or watercloset can gain access to such room shop or other part of a building;
- (e) No such room shop or other part of a building shall be used as a sleeping place and so far as may be reasonably necessary to prevent risk of the infection or contamination of any such article as aforesaid no sleeping place shall adjoin such room shop or other part of a building and communicate therewith except through the open air or through an intervening ventilated space;
- (f) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of a building except so far as may be reasonably necessary for the proper carrying on of trade or business;
- (g) Such room shop or other part of a building and the walls and ceilings thereof shall be white-washed cleansed or purified at reasonable intervals and whenever so required by the Corporation on the report of the medical officer or the sanitary inspector and all articles apparatus and utensils therein shall at all times be kept clean and wholesome and due cleanliness shall be observed by persons engaged in such room shop or other part of a building.

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

A.D. 1925. — 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 such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

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

Penalty
on original
vendor of
unsound
food.

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

(2) Where any animal or article of food has been condemned by a justice under the said section 117 as amended by the said section 28 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 the said section 117 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. A.D. 1925.

(3) Before any animal or article liable to be condemned under the said section 117 as amended by the said section 28 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.

118. 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 food.

119.—(1) The Corporation may make and enforce byelaws for preventing meat (other than meat which has been inspected and passed as fit for the food of man by a medical officer of health or a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of the district in which the animal has been slaughtered) or any part of the carcase of an animal brought into the borough and intended for the food of man from being used for the food of man or being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation. Byelaws as to inspection of meat.

(2) Provided that any byelaw made by the Corporation for the said purpose shall provide (i) that any person bringing any meat or any part of the carcase of an

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animal into the borough shall give to the medical officer reasonable notice in writing of the day and hour and place in the borough on and at which the meat or any part of the carcase can be inspected as aforesaid and (ii) that if within such reasonable period after the notified hour as may with due regard to the requirements of the trade be prescribed by the byelaw an officer of the Corporation shall not have attended at the place so notified for the purpose of inspection the restriction in subsection (1) of this section referred to shall not apply to the meat or any part of the carcase in respect of which the notice was given.

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

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

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

For regulating
manufacture and
sale of ice-
cream.

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

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

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or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

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

shall be liable for every such offence to a penalty not exceeding five pounds.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or other similar commodity) suffering from any infectious disease the medical officer or 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 such building and the Corporation shall compensate the owner of the ice-cream 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) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or stand in or on which the same are offered for sale as an officer of the Corporation would have under section 102 of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

121. Every dealer in any article intended for the food of man vending his wares from any cart barrow or

As to street vendors of food.

A.D. 1925. — other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings.

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

122. Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement at least twice in a newspaper published or circulating in the borough.

PART XII.

COMMON LODGING-HOUSES.

As to periods of letting as affecting common lodging-houses.

123. No house or part of a house within the borough shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this Part of this Act or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

Power to refuse registration.

124.—(1) The Corporation may without prejudice to their powers under the Public Health Acts refuse to register or to renew the registration of any house as a common lodging-house unless they are satisfied—

- (a) that the premises are suitably equipped for use and occupation as a common lodging-house; or
- (b) that the use of the premises as a common lodging-house is not likely to occasion inconvenience or annoyance to the inhabitants or persons in the district in which the premises are situate.

(2) If the Corporation refuse to grant or renew registration under this section they shall if required by the applicant deliver to him a statement in writing of the ground or grounds upon which such registration is refused.

(3) If the registration or renewal of registration be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of such refusal and that not less than twenty-four hours' notice of such appeal be sent to the Corporation.

(4) If the registration or renewal of registration be refused upon the ground that the premises are not suitable or suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a properly qualified surveyor or architect to examine and report to them upon the condition of such premises and their suitability for the purposes of a common lodging-house. A.D. 1925.

(5) The costs of any such appeal including the expenses of any such examination and report as aforesaid shall be paid in such manner and by such parties to the appeal as the court may direct.

(6) On any such appeal the court may after considering any representations made by the Corporation either confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.

125.—(1) Section 69 of the Public Health Act Amendment Act 1907 shall in its application to the borough be read as if the words “ if that person is newly registered after the commencement of this section ” were omitted from subsection (2) of the said section. Further provisions as to registration of common lodging-houses.

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

126. Notice shall be given to the Corporation of the death of any common lodging-house keeper in the borough forthwith after the same shall have occurred and the right by section 77 of the Public Health Act 1875 conferred upon the widow or any member of the family of a common lodging-house keeper to keep such common lodging-house open and to receive lodgers therein for four weeks after such death without registration shall not be exerciseable unless such notice shall have been duly given. Procedure on death of common lodging-house keeper.

127. Section 80 of the Public Health Act 1875 shall operate so as to include the making by the Corporation of byelaws as regards the maintenance in good Byelaws relating to common lodging-houses.

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A.D. 1925. — condition and free from obstruction of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house.

Notice of provisions of Part XII. of Act.

128. Within one month after the passing of this Act the Corporation shall give notice of the provisions of this Part of this Act to the keeper of every registered common lodging-house in the borough.

PART XIII.

POLICE.

Control of traffic by police.

129. Where a police constable in uniform in pursuance of any instructions general or special is regulating the traffic at any junction or crossing in any street any person driving or propelling any vehicle who wilfully neglects or refuses to stop the vehicle or to make it proceed or to make it keep to a particular line of traffic when so directed (by word of mouth or sign) by any such police constable in execution of his duty shall be liable in respect of each offence to a penalty not exceeding forty shillings or in the case of a second or subsequent conviction to a penalty not exceeding five pounds.

Power to impose test on motor drivers.

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

Insurance by hackney carriage proprietors.

131. The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage or omnibus if the applicant fails to satisfy them that he effects and keeps on foot an insurance with a responsible insurance company against or makes adequate financial provision for meeting any liability that may be incurred by him in respect of any injury or damage occasioned by such hackney carriage or omnibus to any person or property but in the event of any licence to ply for hire with an omnibus being refused under this section the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 of the Roads Act 1920 and all the provisions of that subsection shall apply accordingly.

132.—(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 eight 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.

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—
Further provisions as to hackney carriages.

(2) The power of the Corporation to make byelaws under section 68 of the Town Police Clauses Act 1847 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 eight miles of the town hall of the borough.

(3) (a) Any offence committed or claim arising outside the borough but within eight 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 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).

(4) Nothing in this section shall apply to omnibuses as defined in the Town Police Clauses Act 1889.

133.—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough (other than processions which are periodically organised or formed by the Salvation Army) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the head police office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

Notice of processions to be given.

(2) If any such procession passes through the streets of the borough without such notice having been pre-

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Extension to boxing displays of section 195 of Act of 1872.

134. Section 195 (Regulation of places for dancing music and other public entertainments) of the Rochdale Extension and Improvement Act 1872 shall be read and have effect as if the words "boxing displays" were inserted therein after the word "music" wherever it occurs in the said section.

PART XIV.

RATING PROVISIONS.

Commencement of Part XIV.

135. This Part of this Act shall come into operation on the first day of April one thousand nine hundred and twenty-six.

Repeal of certain rating provisions.

136. The following enactments are hereby repealed (namely):—

The Rochdale Improvement Act 1853—

So much of section IX. (10 & 11 Vict. c. 16 incorporated) as incorporates sections LXXXIX. XC. XCI. and XCV. of the Commissioners' Clauses Act 1847;

So much of section LXXXV. (Certain provisions of 10 & 11 Vict. c. 34 incorporated) as incorporates sections CLVI. to CLIX. CLXI. to CLXXX. and CLXXXII. to CXCIX. of the Towns Improvement Clauses Act 1847 and schedules referred to therein;

Section CLIII. (Power to make a cemetery rate) from and including the words "so as such cemetery rates" to the end of the section;

Section CLIV. (Power to make rate for paving and sewerage) from and including the words "so as such rates" to the end of the section;

Section CLVI. (Power to make rate for general purposes) from and including the words "so as such rates" to the end of the section;

Section CLIX. (Power to remit rates);

Section CLX. (Occupiers of arable &c. grounds to be rated at net annual value);

Section CLXI. (Owners of property not exceeding 4*l.* a year &c. to be rated). A.D. 1925.

The Rochdale Waterworks Act 1866—

Section 64 (Principle of Public Health Acts to be applied to assessments of canals and railways);

Section 65 (Certain drawbacks to be allowed to railway and canal companies).

The Rochdale Improvement Act 1872—

Section 209 (Modification of Act of 1853);

The proviso to section 213 (Provisions as to defraying expenses of execution of Act).

The Rochdale Corporation Water Act 1898—

Section 69 (Certain drawbacks to be allowed to railway companies).

The Rochdale Order 1900—

Article XXIV. (Paving and sewerage rate in added area).

The Rochdale Corporation Act 1908—

Section 41 (Certain drawbacks to be allowed to railway and canal companies).

The Whitworth Urban District Council Tramways Order 1909—

Section 37 (Provisions in case of deficiency in respect of tramways).

The Milnrow Urban District Council Tramways Order 1910—

Section 39 (Provisions in case of deficiency in respect of tramways).

The Bacup Corporation Light Railway Order 1910—

The provisos to section 62 (Provisions for deficiency of income from undertaking).

The Oldham and Rochdale Corporations Water Act 1923—

So much of section 65 (Incorporation of provisions of Acts of Rochdale Corporation) as relates to section 41 of the Rochdale Corporation Act 1908.

137.—(1) All expenses of the Corporation which if this Part of this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Part of this Act had not been passed would have been paid or carried to

All expenses of Corporation to be paid out of borough rate.

A.D. 1925. the credit of the general purposes account the general purposes rate the paving and sewerage account the paving and sewerage rate the cemetery account and the cemetery rate or any of them shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the general purposes account the general purposes rate the paving and sewerage account the paving and sewerage rate the cemetery account or the cemetery rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such account or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate.

(2) The general purposes account the paving and sewerage account and the cemetery account shall be closed and any balance which on the date upon which this Part of this Act comes into operation is standing to the credit or to the debit of the general purposes account the general purposes rate the paving and sewerage account the paving and sewerage rate the cemetery account or the cemetery rate respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connection with the general purposes account the general purposes rate the paving and sewerage account the paving and sewerage rate the cemetery account or the cemetery rate respectively shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

(3) The borough rate may be made and levied 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.

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

138. The contribution of the township to the borough rate shall be paid by the overseers out of the poor rate and the provisions of section 145 of the Muni-

Principal Corporations Act 1882 shall apply to such contribution. A.D. 1925.

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

Poor rate to be called "the consolidated rate."

140.—(1) The owner instead of the occupier may from time to time at the option of the Corporation be rated to the consolidated rate where the rateable value of the premises does not exceed ten pounds ten shillings :

Rating of owners instead of occupiers.

Provided that in any case in which the Corporation exercise such option :—

(i) the owner so rated shall be entitled to a deduction of seven and one-half per centum from the amount of the rate when paid by him if he shall pay the same in two equal instalments not later than the thirtieth day of September and the thirty-first day of December respectively next after the rate has been demanded ;

(ii) where the owner of any premises referred to in this subsection is willing to enter into an agreement to pay the rates whether the premises are occupied or not the Corporation shall make a further allowance not exceeding ten per centum from the amount of the rate when paid by him if he shall pay the same in two equal instalments not later than the thirtieth day of September and the thirty-first day of December respectively next after the rate has been demanded.

(2) When the Corporation exercise their powers under this section they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner and the owner shall pay the rate accordingly and during the currency of any such notice the provisions of this section shall apply within the borough in substitution for the provisions with regard to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869.

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—
Differential
rating in
certain cases.

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

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of sixty-seven and one-half per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section:

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

“ The owner of tithe rentcharge attached to a benefice shall be liable to pay only thirty-seven and one-half per centum of the amount payable under subsection (1) of the section of the Rochdale Corporation Act 1925 of which the marginal note is ‘ Differential rating in certain cases ’ in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining sixty-two and one-half per centum thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of estate duty grant ”:

(3) During the continuance of the Agricultural Rates Act 1923 the occupier of any agricultural

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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 twenty-five per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

- (4) During any period in which the Agricultural Rates Act 1896 shall be in force and the Agricultural Rates Act 1923 shall not be in force the occupier of any agricultural land as defined in the said Act of 1896 shall be liable to pay in each year in respect of such land a rate calculated on the basis of thirty per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :
- (5) 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) 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 township out of the poor rate; or
 - (e) the calculation of the amount in the pound of the part of the consolidated rate

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levied for the purposes of the relief of the poor and other expenses of the guardians and expenses of the overseers respectively which is required to be stated in the demand note for the poor rate; or

(f) the operation of section 105 (The company's lands to be taxed as other lands near thereto) of the Rochdale Canal Act 1794 or of section 1 (Mode of rating lands and buildings) of the Rochdale Canal Act 1807 :

(6) (a) If any occupier referred to in subsection (1) of this section claims that in the operation of that subsection 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 for the county palatine of Lancaster 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 the assessment committee of the Rochdale Poor Law Union and the overseers who shall respectively be entitled to appear at the hearing of such appeal;

(b) On appeals under this subsection 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.

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

142. 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 shall be in such form as the Minister of Health may from time to time prescribe.

As to recovery of consolidated rate.

143. 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.

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144. For the purposes of section 133 of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be fifty per centum of the amount in the pound of the consolidated rate.

As to section 133 of Lands Clauses Consolidation Act 1845.

145.—(1) Sections 220 and 221 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. Provided that the overseers shall not in pursuance of this section raise or reduce in any rate any assessment which is in accordance with the valuation list for the time being in force.

Amendment of consolidated rate.

(2) The powers of section 221 of the Public Health Act 1875 as applied to the consolidated rate by subsection (1) of this section shall extend to enable the overseers to amend any rate made by them so as to make the assessment to such rate accord with any new or supplementary valuation list during the currency of such rate.

146. Any person aggrieved by reason of any clerical or arithmetical error in a consolidated rate may apply to a court of summary jurisdiction sitting in and for the borough who after the applicant has given such notice to the overseers who made the rate and such persons as the court may think just may hear the case in like manner as in the case of summary proceedings and amend the rate so far as regards such error.

Amendment of error in consolidated rate.

147. The overseers if so required by the Corporation shall in pursuance of the provisions of section 15 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.

Payment of consolidated rate by instalments.

148. Section 267 of the Public Health Act 1875 shall apply to any demand for the consolidated rate to be served by the overseers and to any demand for any rent rate or charge to be served by the Corporation.

Service of demands.

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—
Overseers
may require
returns.

149.—(1) The overseers may require the owner or occupier or reputed owner or occupier of any hereditament in the township (other than land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the Second Schedule to this Act and containing the particulars therein mentioned or referred to :

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

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

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

(3) The overseers shall whenever required by the assessment committee of the Rochdale Poor Law Union produce from time to time to such committee the returns or any of them obtained by the overseers under the provisions of this section and if the overseers fail to require a return in respect of any hereditament within fourteen days after being requested by the said committee so to do the said committee may themselves exercise the powers of this section in relation to any such hereditament as if they had been referred to throughout the section in addition to the overseers.

(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.

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150.—(1) Any assistant overseer appointed by the Corporation and all officers appointed or to be appointed by the Corporation to assist in the discharge of the duties of overseers shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Minister of Health shall report thereon annually to the Corporation and such securities shall be deposited with the Corporation.

As to
assistant
overseers.

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

151. 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.

Borough
rate may
include
working
balance.

PART XV.

FINANCE.

152.—(1) The Corporation may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all moneys so borrowed shall be chargeable on the revenues of the Corporation and shall be repaid within the respective

Power to
borrow and
repayment
of borrowed
moneys.

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periods set forth in the third column thereof and the Corporation may apply any sum so borrowed for the said purposes respectively (that is to say):—

1.	2.	3.
Purpose.	Amount.	Period for Repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.
(2) For the provision of omnibuses	£ 16,200	Eight years from the date or dates of borrowing.
(3) For the erection and equipment of a garage for omnibuses.	8,800	Thirty years from the date or dates of borrowing.

(2) The Corporation may also with the sanction of the Minister of Transport borrow such further moneys as may be necessary for any purpose of the tramways undertaking including the provision of a fund for working capital.

(3) The Corporation may also with the sanction of the Electricity Commissioners borrow such further moneys as may be necessary for any purpose of the electricity undertaking including the provision of a fund for working capital.

(4) The Corporation may also with the sanction of the Minister of Health borrow such further moneys as may be necessary—

(a) for any purpose of the water and gas undertakings respectively including the provision of funds for working capital;

(b) for the purpose of providing a working balance for the payment of current expenses that may be incurred by the Corporation in the exercise or performance of their powers and duties the cost of which is from time to time charged on the borough fund; and

(c) for any other of the purposes of this Act.

(5) Any moneys borrowed under the powers of subsections (2) (3) and (4) of this section shall be repaid

within such periods not exceeding sixty years as may be prescribed by the authority with whose sanction such moneys are borrowed and all moneys so borrowed shall be chargeable on the revenues of the Corporation. A.D. 1925.

153. The following provisions of the Acts in this section mentioned shall so far as applicable extend and apply to and in respect of moneys borrowed by the Corporation under this Act as if they were re-enacted herein (that is to say) :—

Incorporation of certain financial provisions.

The Rochdale Corporation Water Act 1898—

Section 70 (Application of money borrowed).

The Rochdale Corporation Act 1900—

Section 111 (As to repayment &c.) except subsection (4) thereof;

Section 112 (As to sinking fund).

The Rochdale Corporation Act 1908—

Section 39 (Mode of raising money) :

Provided that the periods for repayment referred to in the section of this Act whereof the marginal note is "Power to borrow and repayment of borrowed moneys" shall be deemed to be "the prescribed periods" for the purposes of the application of the said sections 111 and 112 and the said section 112 shall be read and have effect as if the Minister of Health were referred to therein in lieu of the Local Government Board.

154.—(1) Notwithstanding anything contained in any other Act relating to the Corporation 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 Third Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing

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A.D. 1925. 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 fine not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his 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 Third Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

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(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 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.

155.—(1) The Corporation shall have power—

Power to
re-borrow.

(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or

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

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that

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A.D. 1925. — portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

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

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or
- (d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Returns
as to sink-
ing fund.

156.—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the said Minister a return showing the provision made for the repayment of any loans raised by the Corporation under 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 of Health may require and shall if so required by him be verified by statutory declaration of the treasurer 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 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.

(3) If it appear to the Minister of Health 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

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any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the said 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.

157.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

Scheme for
fixing
equated
periods.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Minister of Health who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister of Health may be consolidated and dealt with in the accounts of the Corporation

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A.D. 1925. — as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister of Health separate consolidations may be made of all or any of the loans included under such general headings.

(5) The Corporation may with the sanction of the Minister of Health and on the security of the revenues of the Corporation on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister of Health may sanction.

(6) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Consoli-
dated loans
fund.

158.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or any Order as from the thirty-first day of March one thousand nine hundred and twenty-six or as from any succeeding thirty-first day of March the Corporation may if they think fit establish a fund to be called the consolidated loans fund to which shall be paid as and when they are received—

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

and there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all

moneys borrowed or received except of such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the thirty-first day of March as from which the consolidated loans fund shall be established.

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

(a) in the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; or

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

and any moneys of the consolidated loans fund pending use or application as aforesaid 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.

(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.

159. When under the provisions of this Act or of any other 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 provi-

Investment
of and pay-
ments into
sinking
fund.

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sions shall have effect with respect to the appropriated yearly sums and accumulations thereof 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):—

- (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 said yearly sums and accumulations shall be paid and provided out of the borough fund and borough rate and any interest dividends and annual proceeds arising from the investment thereof or of any moneys standing to the credit of any sinking or loans fund as aforesaid at or after the passing of this Act shall be paid into the borough fund.

Power to invest certain funds in statutory securities.

160. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a reserve or renewals fund they may (in addition to any other powers for the time being vested in them) invest such reserve or renewals fund and the interest on the investments of such reserve or renewals fund in statutory securities.

Use of moneys forming part of sinking and other funds.

161. Notwithstanding anything contained in this or any other Act the Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund loans fund redemption fund or reserve fund of the Corporation (in this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions:—

- (a) The moneys so used shall be repaid by the borrowing fund to the lending fund as and when required or determined by the Corporation and if not earlier repaid as aforesaid by equal yearly or half-yearly instalments of principal or of principal and interest combined within the period and out of the revenues of the Corporation within and out of which a loan raised

under the statutory borrowing power would be repayable;

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(b) 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. 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 which would be applicable to the payment of interest on a loan raised under the statutory borrowing power;

(c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to the re-borrowing of sums raised under the statutory borrowing power shall apply thereto.

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

Receipt
in case of
persons not
sui juris.

163. 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 or registrar of stock of the Corporation of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Evidence
of transfer
or trans-
mission of
securities.

164. A person lending any moneys to the Corporation shall not be bound or entitled to inquire as to the observance by the Corporation of any provisions of this

Protection
of lender
from
inquiry.

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A.D. 1925. — Act or any other Act or Acts or of the conditions attaching to the statutory borrowing power under which the money is borrowed or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

Period for repayment of loans under Municipal Corporations Act 1882.

165. 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.

Audit of accounts of Corporation by appointed auditor.

166.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors appointed under the Municipal Corporations Acts Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as “the appointed auditor.”

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 of the Municipal Corporations Act 1882 shall not apply within the borough.

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditors and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and

recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

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167. As from the first day of April one thousand nine hundred and twenty-six all money received by the Corporation on account of the revenue of the following undertakings (namely)—

Revenue and expenses of trading undertakings.

- (1) the tramways undertaking;
- (2) the water undertaking;
- (3) the gas undertaking; and
- (4) the electricity 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.

168. As from the first day of April one thousand nine hundred and twenty-six the Corporation shall keep their accounts so as to distinguish capital from revenue and as regards the revenue accounts to show under a separate heading or division in respect of each of the following undertakings (that is to say) the tramways undertaking the water undertaking the gas 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) :—

Separate accounts in respect of certain undertakings.

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking and in the case of the water undertaking the payment of annuities granted under the Rochdale Waterworks Act 1866 and the Rochdale Corporation Water Act 1898;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking

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and in the case of the water undertaking the requisite provision for redemption of annuities granted under the Rochdale Waterworks Act 1866 and the Rochdale Corporation Water Act 1898;

- (d) All other expenses (if any) of maintaining the undertaking;
- (e) The amount (if any) paid to a reserve fund which the Corporation are hereby authorised to maintain (if the Corporation think fit) in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal in the case of the water undertaking and the gas undertaking respectively to one-tenth and in the case of the electricity undertaking to one-fifth of the aggregate capital expended for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens :

Provided that in the case of the electricity undertaking if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure of that undertaking the Corporation shall make such a rateable reduction in the charge for the supply of electrical energy as in their judgment will reduce the surplus to the said maximum rate of profit.

169. 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 credits payments and liabilities which from time to time it appears to them ought to be so apportioned or carried.

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Apportionment of items.

170:—(1) Any reference in any mortgage or charge granted by the Corporation to the revenue of any undertaking of the Corporation shall be deemed to be a reference to the revenues of the Corporation.

As to mortgage of revenues of Corporation.

(2) In order to secure the repayment of any money hereafter borrowed by the Corporation under any statutory borrowing power and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

171. Nothing in this Act shall affect the operation of the second proviso to section 2 of the Rochdale Water (Modification of Charges) Order 1923 so far as it requires any balance or proceeds referred to therein to be applied in reducing the water rates to be charged by the Corporation.

Saving for Rochdale Water (Modification of Charges) Order 1923.

172. As from the first day of April one thousand nine hundred and twenty-six the following enactments are hereby repealed (namely):—

Repeal of certain provisions relating to accounts and revenues.

The Rochdale Improvement Act 1853—

Section CLXIV. (Distinct accounts to be kept for gasworks cemetery paving and sewerage and general purposes);

Section CLXV. (Application of moneys with respect to gasworks);

Section CLXVI. (Application of moneys with respect to cemetery);

Section CLXVII. (Application of moneys with respect to paving and sewerage);

Section CLXVIII. (Application of moneys for general purposes);

Section CLXIX. (Accounts of lighting streets).

The Rochdale Waterworks Act 1866—

Section 62 (Income and expenses of Corporation under Act to be carried to separate account);

Section 63 (Deficiency on waterworks account to be made good by borough rates).

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The Rochdale Improvement Act 1872—

Section 214 (Accounts).

The Rochdale Order 1882—

Art. III. (relating to deficiency on waterworks account).

The Rochdale Corporation Water Act 1898—

Section 67 (Application of revenue);

Section 68 (As to deficiency in receipts).

The Rochdale Electric Lighting Order 1898—

Section 52 (Application of revenue).

The Rochdale Corporation Act 1908—

Section 24 (Application of tramway revenue);

Section 36 (Expenses and revenue under Part X. of Act of 1900 and this Part of this Act).

Expenses of
execution of
Act.

173. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made shall be defrayed out of the borough fund and borough rate.

PART XVI.

MISCELLANEOUS.

Attach-
ment of
brackets
&c. to
buildings.

174.—(1) The Corporation may with the consent of the owner of any building or bridge attach thereto (but in the case of a bridge only to the underside thereof) such brackets pipes wires and attachments as may be required for lighting any street within the limits within which the Corporation are from time to time authorised to supply gas or electricity.

(2) Provided that—

(a) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building or bridge and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;

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(b) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building or bridge but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under proviso (a);

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

(3) For the purpose of this section any occupier of a building whose tenancy exceeds three years unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

(4) Notwithstanding anything contained in this section no brackets wires or attachments shall be attached to any bridge or building belonging to or forming part of the railway or canal undertaking of a railway company without the previous consent in writing of that company or if in the opinion of an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers such consent is unreasonably withheld the consent of such engineer.

175.—(1) The Corporation may in proper and convenient situations in any street or public place put up and maintain for such time as they think fit (a) seats for the use of the public and (b) drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses respectively.

Seats and
public
drinking
fountains
in streets.

(2) The Corporation shall not put up any seat or drinking fountain or cattle trough under this section so as to interfere with or render less convenient the access

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A.D. 1925. — to or exit from any shop or dwelling-house or any railway station or depôt of a railway company.

Byelaws as to buildings used for manufacture of fire-lighters.

176.—(1) The Corporation with a view to the prevention of fire may make byelaws with reference to buildings used or intended to be used for the manufacture or preparation of fire-lighters and such byelaws may prohibit the use of unsuitable buildings for the purpose.

(2) Before confirming any byelaws made under this section as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts 1901 to 1920 apply the Minister of Health shall consult the Secretary of State.

Power to hold patent rights.

177. The Corporation may acquire hold and exercise such patent and other rights and licences (not being exclusive) as they deem necessary or expedient for or in connection with the purposes of any of their several undertakings powers or duties.

Service of summons on members of council.

178. Notwithstanding anything contained in the Second Schedule to 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.

Expenses may be declared private improvement expenses.

179. The Corporation may declare any expenses incurred by them under any enactment from time to time in force within the borough which are recoverable from the owner or owners of any premises (other than such expenses as are recoverable under the Rochdale Improvement Act 1853 and the Rochdale Improvement Act 1875) to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Apportionment of expenses between different owners.

180. Where under the provisions of any local Act from time to time in force within the borough the Corporation shall construct or do any work 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.

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

In execut-
ing works
for owner
Corpora-
tion liable
for negli-
gence only.

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 Corporation under any enactment from time to time in force within 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 Corporation or to prove any resolution or order of the Corporation or any resolution order or report of any committee of the Corporation 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.

Evidence of
appoint-
ments
authority
&c.

183. All consents given by the Corporation under the provisions of any local enactment from time to time in force within the borough shall be given in writing and

Consents
of Cor-
poration
to be in
writing.

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A.D. 1925. — unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Effect of breach of conditions attached to consent.

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

Summons or warrant may contain several sums.

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

Penalty on occupiers refusing execution of Act.

186. If the occupier of any house or part of a house or any lands shall prevent the owner thereof from carrying into effect any requirement of the Corporation under or in pursuance of Part VIII. (Streets and buildings) Part IX. (Sewers and drains) Part X. (Infectious disease and sanitary provisions) Part XI. (Human food) and Part XII. (Common lodging-houses) of this Act or Part IX. (Sanitary and building provisions) of the Rochdale Corporation Act 1900 then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

187. 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.

A.D. 1925:

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Penalties
to be paid
over to
treasurer.

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

Recovery
of demands.

189. Save where otherwise provided by this Act the provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act.

Confirma-
tion of
byelaws.

190. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of Part VIII. (Streets and buildings) Part IX. (Sewers and drains) Part X. (Infectious disease and sanitary provisions) and Part XI. (Human food) of this Act as if those purposes had been mentioned in the said section 102.

Power to
enter
premises.

191. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part VIII. (Streets and buildings) Part IX. (Sewers and drains) Part X. (Infectious disease and sanitary provisions) Part XI. (Human food) and Part XII. (Common lodging-houses) of this Act or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

As to
appeals.

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—
Inquiries
by Minister
of Health.

192.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the said inspectors shall for the purposes of any such inquiry have all such powers as inspectors of the Minister of Health have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by him in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum (not exceeding five guineas a day) to be fixed by the Minister for the services of such inspector.

Inquiries by
Minister of
Transport.

193. 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 or applicable to 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."

Informa-
tions by
whom to be
laid.

194. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of any local enactment from time to time in force within the borough under which the Corporation or any of their officers are empowered to take proceedings may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Judges &c.
not dis-
qualified.

195. A judge of any court or a justice shall not be disqualified from acting in the execution of any local enactment from time to time in force within the borough by reason of his being liable to any rate.

196. When any compensation costs damages or expenses is or are by any local enactment from time to time in force within the borough directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts Provided that where any such compensation costs damages or expenses is or are directed or authorised to be paid or recovered in addition to any penalty for any offence the amount of such compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted.

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—
Compensation how to be determined.

197. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any enactment from time to time in force within the borough.

Application of section 265 of Public Health Act 1875.

198. The provisions contained in section 46 (Recovery of penalties) and section 47 (Saving for indictment &c.) of the Rochdale Corporation Act 1908 shall so far as applicable extend and apply as if they were re-enacted in this Act.

Incorporation of sections 46 and 47 of Act of 1908.

199. 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 cumulative.

200. The following enactments and so much of any enactments as incorporate or apply the same are hereby repealed (namely):—

Repeal.

The Rochdale Waterworks Act 1847—

Sections V. to X. XIII. to XXXIV. and sections LXXII. to LXXVI. (Relating to the capital constitution

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management and accounts of the Rochdale Waterworks Company).

The Rochdale Improvement Act 1853—

Section XLIII. (All moneys to be paid to treasurer);

Section XLIV. (For recovering books from executors or assignees of officers dying &c.);

So much of section LXXXV. (Certain provisions of 10 & 11 Vict. c. 34. incorporated) as incorporates sections CXVI. to CXX. of the Towns Improvement Clauses Act 1847;

Section CXLVII. (Limits of licences for hackney carriages);

Section CLXII. (Proceeds of lands and other moneys to be carried to the credit of "General purposes fund");

Section CLXXXI. (Several names in one warrant) and schedule referred to therein.

The Rochdale Waterworks Act 1866—

Sections 5 to 15 and 49 and 51 (relating to the capital and dissolution of the Rochdale Waterworks Company);

Section 43 (Several names in one warrant);

Section 45 (Justices not disqualified);

Section 48 (But powers of company as to management raising of capital &c. extinguished).

The Order relating to Rochdale confirmed by the Local Government Supplemental Act 1869—

Paragraph 2 (relating to the audit of accounts of the Corporation).

The Rochdale Improvement Act 1872—

Section 46 (Power to sell or lease lands not required);

Section 47 (Power to sell reserved rents);

Section 48 (Application of moneys arising from sale of lands not required);

Section 69 (Corporation not bound to supply water in certain cases);

The first proviso to section 80 (Purchase of lands by agreement); A.D. 1925.

Section 208 (Exemption of borough from certain rates);

Section 210 (Local board of Milnrow not to levy rates within the borough);

Section 215 (Audit of accounts);

Section 222 (Lenders not to be required to look to application of moneys);

Section 225 (Re-borrowing);

Section 232 (Notice to be given of taking houses of labouring classes);

Section 233 (Settlement of disputes as to compensation);

Section 234 (Provisions with respect to the application of the Elementary Education Act 1870 to the borough);

Section 239 (Damages and charges in cases of dispute to be settled by justices);

Section 244 (Annual general meetings);

Section 245 (Justices &c. not disqualified from acting);

Section 258 (For protection of the Trustees of the Rochdale Halifax and Elland Turnpike Road);

Section 260 (Saving the rights of the Rochdale and Manchester Turnpike Road Trustees);

Section 261 (Provision respecting Dryclough Shaw and Rochdale Roads).

The Rochdale Improvement Act 1875—

Section 13 (As to sale of lands).

The Rochdale Order, 1880—

Article V. (relating to returns of sinking funds).

The Rochdale Order 1882—

Article VII. (relating to privies and ash places);

Article XVI. (relating to returns of sinking funds);

Article XVII. (relating to default in payments to sinking funds).

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The Rochdale Corporation Act 1884—

Section 13 (Annual return to Local Government Board with respect to sinking funds);

Section 14 (Power to re-borrow);

Section 57 (Annual return to Local Government Board).

The Rochdale Corporation Water Act 1898—

Section 51 (Sale of superfluous lands);

Section 52 (As to consent of Local Government Board);

Section 59 (Power to re-borrow);

Section 60 (Proceeds of sale of surplus lands);

Section 65 (Protection of lenders from inquiry);

Section 71 (Annual return to Local Government Board with respect to sinking fund).

The Rochdale Corporation Act 1900—

Section 31 (Agreements for sale leasing working &c.);

Section 43 (Periodical revision of rates and charges);

Section 71 (Power to retain sell &c. lands);

Section 72 (Proceeds of sale of surplus lands);

Section 76 (Consent of Local Government Board to disposition of land);

Section 90 (For regulating manufacture and sale of ice creams &c.);

Section 91 (Notice of provisions of this Part of Act);

Section 95 (Work done on two or more properties);

Section 109 (Power to Corporation to lend to school board);

Section 113 (Increase of library rate);

Section 120 (Compensation how to be determined);

Section 122 (Damages and charges in case of dispute to be settled by justices);

Section 126 (Judges &c. not disqualified);

Section 127 (Persons acting in execution of Act not to be personally liable);

Section 130 (Audit of accounts).

The Rochdale Corporation Act 1908—

A.D. 1925.

The first proviso to section 18 (Incorporation of certain provisions of Part II. (Tramways) of Act of 1900);

Section 22 (Power to hold patent rights); and

Section 32 (Costs of arbitration &c. in certain cases).

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

202. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or borough rate or out of money 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.

Stamp.

Twenty-five
pounds ten
shillings.

AN AGREEMENT made the seventeenth day of April one thousand nine hundred and twenty between THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF BACUP (hereinafter called "the Bacup Corporation") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF ROCHDALE (hereinafter called "the Rochdale Corporation") of the other part.

WHEREAS by section 35 of the Bacup Corporation Water Act 1898 the Bacup Corporation are empowered to enter into and carry into effect agreements with any local authority or person within or beyond the limits of the authorised area of supply of water of the Bacup Corporation for the supply by the Bacup Corporation to such local authority or person respectively of water in bulk subject to the proviso contained in the said section :

And whereas the Rochdale Corporation are a local authority within the meaning of the said Act :

And whereas the Bacup Corporation have a quantity of water for disposal :

And whereas it has been agreed between the parties hereto that the Bacup Corporation shall supply and the Rochdale Corporation shall take water in bulk on the terms and conditions hereinafter appearing :

Now therefore this agreement witnesseth that it is hereby declared and agreed by and between the parties hereto as follows that is to say :—

1. Subject to the provisions of this agreement the Bacup Corporation shall (unless prevented by any cause beyond their control) supply and deliver by gravitation to the Rochdale Corporation such quantity of water as the Rochdale Corporation shall require for domestic trade and public purposes within the limits of their authorised area of water supply.

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2. Except as provided for by clauses 3 5 and 7 hereof the Bacup Corporation shall not be under any obligation to deliver to the Rochdale Corporation a larger quantity of water than three hundred thousand gallons per day of twenty-four hours calculated on a weekly average reading of the meter hereinafter mentioned but they agree to supply an average daily quantity of three hundred thousand gallons subject only to their present statutory obligations.

3. If during any period the average daily quantity of water as aforesaid delivered to the Rochdale Corporation under the provisions of clause 2 of this agreement shall from any cause be less than three hundred thousand gallons the Bacup Corporation shall supply to the Rochdale Corporation if required by that Corporation the quantity representing the difference between the quantity actually delivered and the quantity deliverable during such period on the basis of an average daily quantity of three hundred thousand gallons at such times and in such quantities having regard only to the present statutory obligations of the Bacup Corporation as may be agreed between the water engineer of the Rochdale Corporation and the water engineer of the Bacup Corporation it being understood that the Bacup Corporation will use their best endeavours to comply with the requirements of the Rochdale Corporation under the provisions of this clause.

4. The price of the water to be supplied under the provisions of clauses 2 and 3 hereof shall be five pence for every one thousand gallons.

5. Should the Rochdale Corporation require from the Bacup Corporation a larger supply of water in any year during the continuance of this agreement than an average daily quantity of three hundred thousand gallons the Bacup Corporation shall subject to the fulfilment of their present statutory obligations and so as not to reduce their stocks of water beyond their prudently and reasonably anticipated requirements to supply adequately the demands of their own area supply to the Rochdale Corporation an additional quantity up to two hundred thousand gallons per day if and as required by the Rochdale Corporation and will with the object of being able to supply such additional quantity take such steps as may reasonably be necessary to improve their gathering grounds at Cowpe and Sheephouse reservoirs.

6. The Rochdale Corporation shall pay to the Bacup Corporation in respect of water supplied in any year in excess of an average daily quantity of three hundred thousand gallons the sum of five pence for every one thousand gallons together with an additional payment at the rate of one pound per annum for every one thousand gallons by which the average daily quantity of

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water supplied in that year exceeds three hundred thousand gallons. The Rochdale Corporation guarantee that the minimum annual additional payment under this provision shall not be less than sixty pounds whether any portion of the excess quantity over the daily average of three hundred thousand gallons shall be supplied or not. The maximum additional annual payment under this provision shall be two hundred pounds.

7. If the Bacup Corporation can from time to time and for the time being spare any further quantity of water over and above the said average daily quantities of three hundred thousand gallons and two hundred thousand gallons and the Rochdale Corporation desire to purchase the same or any portion thereof the Bacup Corporation will supply such further quantity or portion thereof at the price of five pence for every one thousand gallons without any additional annual payment as provided for in the preceding clause in respect of the average daily quantity of two hundred thousand gallons therein specified.

8. The Rochdale Corporation shall at their own expense and with the consent of the Bacup Corporation (which consent is testified by the execution of this agreement) lay a main nine inches in diameter with necessary valves and hydrants (hereinafter referred to as "the new main") from and connected with the existing main of the Bacup Corporation in Rochdale Road Bacup near to the Bacup Corporation's Sheephouse reservoir at the points marked "A" and "B" on the plan annexed to this agreement to the boundary of the urban district of Whitworth in Rochdale Road aforesaid. The said new main shall as far as reasonably practicable be laid under the footway on the westerly side of the said road and shall be connected with a tank to be provided by the Rochdale Corporation near the said boundary. The water engineer of the Bacup Corporation shall have power to test the said new main at any place or places and at any time or times before completion in such manner as he shall think proper. On completion of the new main the Rochdale Corporation shall at their own expense reinstate in a temporary manner the surface of the road and footway disturbed by them and shall at the like expense on the request of the borough surveyor of Bacup when in his opinion the ground has become consolidated make good the same to his reasonable satisfaction. The new main shall during the continuance of this agreement remain the property of the Rochdale Corporation who shall during such period at their own expense keep the same in good repair and renewed when necessary. Immediately after the repair or renewal of the new main as aforesaid the Rochdale Corporation shall reinstate in a temporary manner the surface of the road and footway disturbed by them and shall on the request of the borough surveyor of Bacup when in his opinion the ground has become consolidated make good the same to his reasonable satisfaction. The Bacup Corporation shall

A.D. 1925.

have the right to use the new main for the supply of their water consumers in the Britannia district and for that purpose to make connections to the new main to the reasonable satisfaction of the water engineer of the Rochdale Corporation provided that such user shall be limited so as not to reduce the capacity of the main to deliver six hundred and fifty thousand gallons per day. The Rochdale Corporation shall bear and pay all rates taxes and assessments payable (whether by owner or occupier) for or in respect of the new main. At the end of the term of this agreement the new main so far as the same is laid within the borough of Bacup shall become the property of the Bacup Corporation.

9. The Rochdale Corporation shall at their own expense to the reasonable satisfaction of the Bacup Corporation construct in a suitable position as near to the boundary of the borough of Bacup on the Rochdale Road as circumstances will permit a meter house or chamber and shall at the like expense instal therein a Venturi meter (or other type to be agreed between the water engineers of Rochdale and Bacup) for the purpose of measuring the quantity of water supplied by the Bacup Corporation to the Rochdale Corporation and all water so supplied shall be measured by such meter. If at any time during the continuance of this agreement the Rochdale Corporation or the Bacup Corporation shall consider the same to be necessary the Rochdale Corporation will at their own expense arrange for a supply of gas or electricity for heating and lighting purposes to be connected to the meter house or chamber and will also at the like expense provide any meter pipes wiring or other apparatus required for the purpose of such supply.

The duly authorised officials of the Rochdale and Bacup Corporations shall have access at all times to the said meter house or chamber for the purpose of examining and recording the registration.

The cost of maintaining the meter and meter house or chamber including the provision of diagrams for use with the meter (so far as diagrams are necessary as an adjunct to the type of meter adopted) and also including gas or electricity used for lighting and heating and repairs to both the meter and meter house or chamber shall be borne by the Rochdale Corporation. The expenses incident to the general supervision of the meter and meter house or chamber (including oiling of apparatus cleaning and painting of house and contents) shall be borne by the Rochdale Corporation. Diagrams (if used) shall be fixed and removed by and at the expense of the Bacup Corporation and after removal from the meter shall be open to the inspection of the duly authorised officials of the Rochdale Corporation at all reasonable times. The Rochdale Corporation shall bear and pay all rates taxes and assessments payable (whether by owner or occupier) for or in respect of the said meter house or chamber.

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10. The Rochdale Corporation and the Bacup Corporation agree that the lowest level at which it will be possible for the Rochdale Corporation by means of the new main to draw water from the Cowpe and Sheephouse reservoirs of the Bacup Corporation is nine hundred and eighty-four feet above Ordnance datum and the Bacup Corporation undertake to use their best endeavours to maintain the water level in these reservoirs at all times as much above nine hundred and eighty-four feet above Ordnance datum as circumstances will allow but not so as to require the Bacup Corporation to resort to pumping or to any means other than gravitation in order to maintain the said water level.

11. The water supplied under this agreement shall be of such a quality as not to act upon lead in such manner as to endanger the health of consumers when used under conditions which usually and properly appertain to a domestic supply of water and if at any time during the continuance of this agreement it is found by competent investigation and analysis that the said water does act upon lead as indicated above the Bacup Corporation shall forthwith take such means to treat the water as will prevent it so acting.

12. On the first days of January April July and October in every year the Bacup Corporation shall furnish to the Rochdale Corporation an account of the sums due to the Bacup Corporation for water supplied under this agreement in respect of the quarter year immediately preceding such day and thereupon the Rochdale Corporation shall pay to the Bacup Corporation the sums so due Provided always that (in addition to the minimum annual sum of sixty pounds payable under clause 5 hereof) the annual amount to be paid by the Rochdale Corporation to the Bacup Corporation for water supplied during the first five years of the said term shall not be less than seven hundred and fifty pounds and during the remainder of the term not less than one thousand pounds whether the actual value of the water supplied during each year calculated at the price hereinbefore provided reaches such respective minimum sums or not unless the Bacup Corporation are prevented from delivering water of the value of seven hundred and fifty pounds or one thousand pounds (as the case may be) calculated as aforesaid by any cause contemplated by clause 1 of this agreement in which event the Rochdale Corporation shall pay only the value of the water actually supplied.

13. If any sum payable by the Rochdale Corporation to the Bacup Corporation shall remain unpaid for six weeks from the day when the same is payable under this agreement the Rochdale Corporation shall pay interest thereon to the Bacup Corporation at the rate of five pounds per centum per annum from such day until actual payment but without prejudice to the right of the Bacup Corporation to require or take proceedings for the immediate payment thereof after the expiration of such six weeks.

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14. The register of the said meter shall be *primâ facie* evidence of the quantity of water supplied by the Bacup Corporation through such meter. In the event of any dispute or difference arising between the parties hereto as to the quantity of water supplied through such meter such difference or dispute shall be referred to and decided by such waterworks engineer or manager as may be agreed upon by both Corporations or failing agreement as may be appointed by the President for the time being of the Institution of Water Engineers.

15. In the event of the said meter being found to register inaccurately such inaccurate registration shall be deemed to have arisen at the commencement of the then preceding quarter unless it is proved to have arisen subsequently. The amount of the allowance to be made to or of the surcharge to be made upon the Rochdale Corporation by the Bacup Corporation shall be paid by the Bacup Corporation or by the Rochdale Corporation (as the case may be) within six weeks after such amount shall have been determined.

16. The said meter shall be tested by the representatives of the Bacup Corporation in the presence of the duly authorised officials of the Rochdale Corporation at intervals of not less than one year or whenever any doubt may arise as to its accuracy. The testing of the meter shall be carried out by passing a quantity of water through the meter and then into a tank of known capacity or vice versa. The meter shall be deemed to be correct if it registers within three per centum either above or below the quantity of water passing through it. Should the meter fail to register within the limits aforesaid or become defective from any cause the Rochdale Corporation shall immediately take steps to have the same put in proper working condition.

17. If at any time the said meter shall be found to be defective or shall at any time be removed for the purpose of repair renewal or for any other reason then until the said meter shall be repaired or replaced so as to register correctly the quantity of water passing through it the water engineers of the Bacup Corporation and the Rochdale Corporation shall agree upon some means of ascertaining the quantity of water supplied and the Bacup Corporation shall be entitled to charge and the Rochdale Corporation shall be liable to pay for such ascertained quantity of water as though the same had passed through and been measured by the said meter. In the event of any difference between the said water engineers as to the means to be adopted for the purposes of this clause such difference shall be deemed to be a difference within the meaning of clause 14 aforesaid.

18. This agreement shall come into force on the first day of October one thousand nine hundred and nineteen and shall continue in force for the period of thirty years from that date

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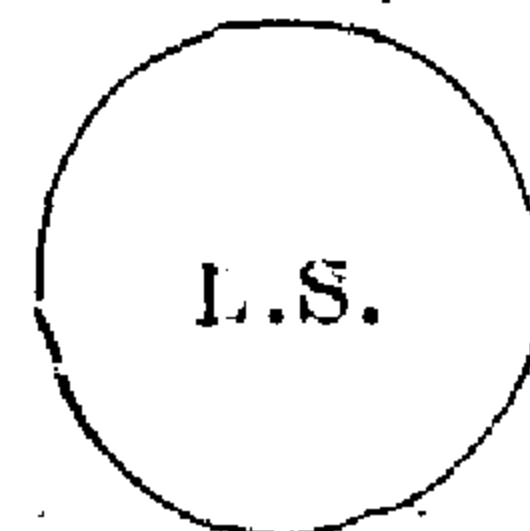
A.D. 1925.

19. Subject to the provisions of clauses 14 and 17 hereof all questions or differences which may at any time arise between the parties hereto or those claiming under them touching these presents or the subject-matter thereof or arising out of or in relation thereto respectively whether as to construction or otherwise shall be referred to and decided by a person to be appointed by the President for the time being of the Institution of Water Engineers and the decision of the person so appointed shall in every case be final and binding upon all parties.

20. If the Rochdale Corporation at any time during the continuance of this agreement apply to Parliament for the passing of a Bill for any other purpose they shall include in such Bill an application for confirmation of this agreement and shall use their best endeavours to obtain such confirmation and the Bacup Corporation will (at the request and cost of the Rochdale Corporation) aid and assist the Rochdale Corporation in procuring such confirmation.

In witness whereof the Bacup Corporation and the Rochdale Corporation have caused their respective common seals to be hereunto affixed the day and year first before written.

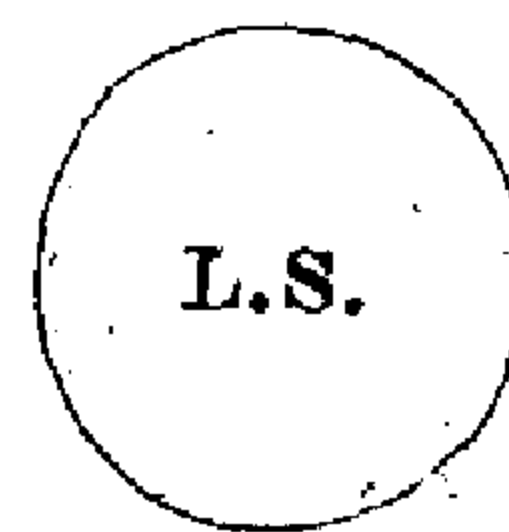
The common seal of the mayor aldermen and
burgesses of the borough of Bacup was
hereunto affixed in the presence of



THOS. THOMPSON
Mayor.

J. ENTWISTLE
Town Clerk.

The common seal of the mayor aldermen and
burgesses of the borough of Rochdale was
hereunto affixed in the presence of



WM. HENRY HICKSON
Town Clerk.

AN AGREEMENT made the sixth day of October one thousand nine hundred and twenty-four between THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF BACUP in the county of Lancaster (hereinafter called "the Bacup Corporation") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF ROCHDALE in the said county (hereinafter called "the Rochdale Corporation") of the other part supplemental to an agreement dated the seventeenth day of April 1920 and made between the same parties (hereinafter called "the principal agreement") being an agreement as to water supply to the Rochdale Corporation.

A.D. 1925.

Stamp.

Thirteen
pounds.

WHEREAS it has become necessary for the Bacup Corporation in pursuance of clause 11 of the principal agreement to erect and maintain mechanical filters for the purpose of filtering the water supplied to the Rochdale Corporation :

And whereas it has been agreed by and between the parties hereto that the provisions of the principal agreement shall be amended :

Now therefore this agreement witnesseth and it is hereby declared and agreed by and between the parties hereto as follows that is to say :—

1. The price of the water to be supplied under the provisions of clauses 2 and 3 of the principal agreement as set forth in clause 4 thereof shall be five pence for every one thousand gallons together with an additional annual payment to be paid by the Rochdale Corporation to the Bacup Corporation of £300 as a contribution to them towards the cost of filtration.

2. As from the commencement of this agreement the principal agreement shall have effect as if the following were substituted for clause 6 thereof :—

6. The Rochdale Corporation shall pay to the Bacup Corporation in respect of water, supplied in any year in excess of an average daily quantity of three hundred thousand gallons the sum of five and five-eighths pence for every one thousand gallons if filtered or if unfiltered the sum of five pence for every one thousand gallons together with an additional payment at the rate of one pound per annum for every one thousand gallons by which the average daily quantity of water supplied in that year exceeds three hundred thousand gallons. The Rochdale Corporation guarantee that the minimum annual additional payment under this provision shall not be less than sixty

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pounds whether any portion of the excess quantity over the daily average of three hundred thousand gallons shall be supplied or not. The maximum additional annual payment under this provision shall be two hundred pounds. The average daily quantity of water supplied in any year shall for the purposes of this clause be ascertained by the average daily readings of the meter taken from the 1st day of April to the 31st day of March in any year.

3. If and so long as the additional water supplied under clause 7 of the principal agreement shall be filtered such clause shall have effect as though the words "five and five-eighths pence" were substituted for the words "five pence."

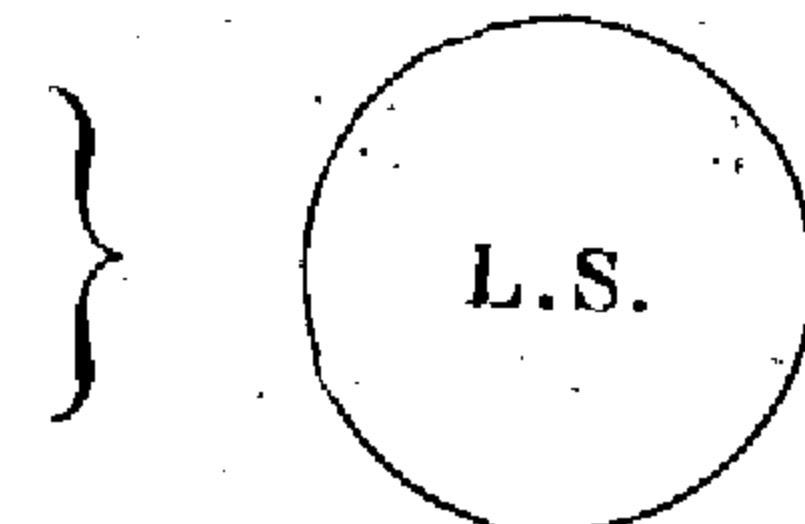
4. As from the commencement of this agreement the sum of £1,250 shall be substituted for the sum of £750 mentioned in clause 12 of the principal agreement and as from five years after the commencement of this agreement the sum of £1,500 shall be substituted for the sum of £1,000 mentioned in the said clause 12.

5. This agreement shall come into force on the date upon which the Bacup Corporation shall give notice to the Rochdale Corporation that the water supplied to the Rochdale Corporation under the principal agreement is being filtered as aforesaid and shall remain in force for 30 years from that date.

6. Except as hereinbefore altered the principal agreement shall have full force and effect.

In witness whereof the Bacup Corporation and the Rochdale Corporation have caused their respective common seals to be hereunto affixed the day and year first before written.

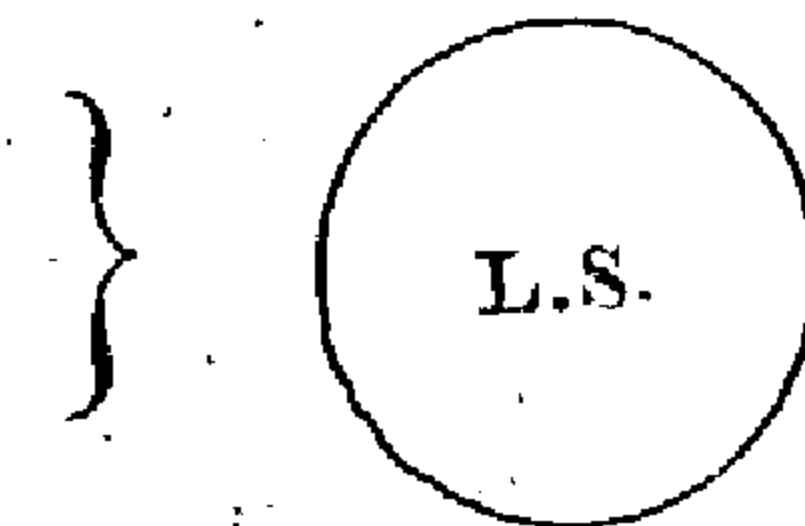
The common seal of the mayor aldermen and burgesses of the borough of Bacup was hereunto affixed in the presence of—



J. T. HOYLE
Mayor.

ALLEN G. BROOM
Town Clerk.

The common seal of the mayor aldermen and burgesses of the borough of Rochdale was hereunto affixed in the presence of—



WM. HENRY HICKSON
Town Clerk.

SECOND SCHEDULE.

A.D. 1925.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER PARTICULARS TO BE RENDERED UNDER THE ROCHDALE 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>
<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>

A.D. 1925.

<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>
<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:

THIRD SCHEDULE.

A.D. 1925.

FORM OF MORTGAGE.

COUNTY BOROUGH OF ROCHDALE.

By virtue of the Rochdale Corporation Act 1925 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Rochdale (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 (which expression includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation) 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 _____ one thousand nine hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____

_____ in each year And it is hereby agreed that the principal sum shall be repaid at the town hall in the said borough [(subject as hereinafter provided) on the _____ day of _____ one thousand nine hundred and _____]

[by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the mayor or the town clerk of the borough for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of

