



## CHAPTER xi.

An Act to confer upon the corporation of Darwen further powers with respect to their tramway water gas and electricity undertakings to consolidate the local rates leviable in the borough to make better provision for the finance of the borough and for other purposes. A.D. 1926

[16th June 1926.]

**W**HEREAS the borough of Darwen (in this Act referred to as "the borough") is a municipal borough subject to the Acts relating to municipal corporations 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 the Corporation are the owners of a system of tramways and it is expedient that they should be authorised to construct an additional tramway in the borough and that further powers should be conferred upon them in connection with their tramway undertaking including powers in relation to the running of trolley vehicles and the working of omnibuses :

And whereas the Corporation are the owners of waterworks and supply water within the borough and other places and it is expedient that they should be empowered to make and maintain additional waterworks and that other powers should be conferred upon them

A.D. 1926. in regard to their water undertaking as by this Act provided :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their gas and electricity undertakings and with respect to the acquisition and development of lands :

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 or out of the general district fund and general district 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 borough rate :

And whereas the township of Darwen 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 it is expedient that further and better provision should be made with reference to the finance of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended :

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

	£
For the construction and equipment of the tramway by this Act authorised	1,700
For the provision of omnibuses - -	5,000
For and in relation to waterworks purposes including the purchase of lands and the construction of works	48,732

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 as by this Act provided :

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

And whereas plans and sections showing the lines and levels of the works to be authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Lancaster which plans sections and book of reference are in this Act respectively referred to as "the deposited plans sections and book of reference":

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And whereas the objects of this Act cannot be attained without the authority of Parliament:

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 Darwen Corporation Act 1926. Short title.

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

Division  
of Act  
into Parts.

Part I.—Preliminary.

Part II.—Tramways trolley vehicles and omnibuses.

Part III.—Water.

Part IV.—Gas.

Part V.—Electricity.

Part VI.—Lands.

Part VII.—Consolidation of rates.

Part VIII.—Finance.

Part IX.—Miscellaneous.

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Incorporation  
of Acts.

3. The following Acts and parts of Act so far as the same are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say) :—

(1) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 :

(2) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 :

(3) The Waterworks Clauses Acts 1847 and 1863 except :—

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

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

Inter-  
pretation.

4. In this Act unless the subject or context otherwise requires the expressions—

“ The borough ” means the borough of Darwen ;

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

“ The council ” means the council of the borough ;

“ The town clerk ” and “ the treasurer ” mean respectively the town clerk and the treasurer of the borough and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officer ;

“ The borough fund ” and “ the borough rate ” mean respectively the borough fund and the borough rate of the borough ;

“ The district fund ” and “ the general district rate ” mean respectively the district fund and the general district rate of the borough ;

“ The Lands Clauses Acts ” means those Acts and the Acquisition of Land (Assessment of Compensation) Act 1919;

“ The Act of 1869 ” means the Darwen Waterworks Act 1869;

“ The Act of 1873 ” means the Over Darwen Local Board Waterworks and Gasworks Act 1873;

“ The Act of 1879 ” means the Over Darwen Improvement Act 1879;

“ The Act of 1887 ” means the Darwen Corporation Act 1887;

“ The Act of 1899 ” means the Darwen Corporation Act 1899;

“ The tramway ” means the tramway by this Act authorised;

“ The tramway undertaking ” means and includes the tramway trolley vehicle and omnibus undertakings of the Corporation as from time to time authorised;

“ Mechanical power ” means electrical or any other motive power not being animal power;

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

“ Telegraphic line ” has the same meaning as in the Telegraph Act 1878;

“ 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;

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- “The markets undertaking” means the markets 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;
- “The township” means the township of Darwen;
- “The poor rate” means the poor rate of the township;
- “The general rate” means the poor rate as by this Act authorised to be levied and collected;
- “The Act of 1925” means the Rating and Valuation Act 1925;
- “Date of the first new valuation” means the date on which the first new valuation list made under Part II. of the Act of 1925 comes into operation;
- “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 representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed; 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.

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## PART II.

### TRAMWAYS TROLLEY VEHICLES AND OMNIBUSES.

#### *Tramways.*

5. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain within the borough in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections a tramway (single line one furlong in length) commencing by a junction with the existing tramway of the Corporation at its termination in Cemetery Road and terminating in that road at a point about twenty-four yards north of the main entrance to the Darwen Cemetery together with all proper rails plates works and conveniences connected therewith and the Corporation may take up remove and alter the position of any existing tramways and the rails and other works connected therewith which may be necessary for the purpose of laying down the tramway. Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Power to  
construct  
tramway.

6. Before any part of the tramway is opened for public traffic the Corporation may and shall construct to the satisfaction of the Minister of Transport a siding from the tramway at or near its termination on to lands now belonging or reputed to belong to the Corporation adjoining Cemetery Road immediately to the north of the northern entrance lodge to the Darwen Cemetery which siding shall be used for the purpose of picking up and setting down passengers.

Siding to  
be con-  
structed  
before  
tramway  
opened.

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Period for  
completion  
of tramway.

7. The tramway shall be completed within the period expiring on the thirty-first day of October one thousand nine hundred and thirty-one or such further period as may be approved by the Minister of Transport and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Application  
of provisions  
of Act of  
1899 to  
tramway.

8. Subject to the provisions of this Act the tramway shall for all purposes form part of the tramway undertaking and the hereinafter-mentioned provisions of the Act of 1899 which relate to the tramway undertaking shall so far as the same are applicable to and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to the tramway as if they had been expressly re-enacted in this Act with reference thereto.

The provisions of the said Act hereinbefore referred to are:—

- Section 8 (Gauge of tramways);
- Section 11 (Tramways not to be opened until certified by Board of Trade);
- Section 12 (Tramways to be kept on a level with surface of road);
- Section 13 (As to rails of tramways);
- Section 14 (Plan of proposed mode of construction of tramways);
- Section 15 (Power to alter level of rails);
- Section 18 (Temporary tramways may be made where necessary);
- Section 19 (Application of road materials excavated in construction of works);
- Section 26 (Provisions as to motive power);
- Section 28 (Special provisions as to use of electrical power);
- Section 32 (Traffic upon tramways);
- Section 33 (Corporation may use tramways for sanitary purposes);
- Section 34 (Rates for passengers);
- Section 35 (Passengers' luggage);



- Section 36 (Rates for parcels);  
Section 37 (Corporation not bound to carry goods);  
Section 39 (Periodical revision of rates);  
Section 41 (Cheap fares for labouring classes);  
Section 44 (Byelaws);  
Section 45 (Amendment of Tramways Act 1870 as to byelaws by local authority);  
and  
Section 48 (Mechanical power works to be subject to section 30 of Tramways Act 1870);

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Provided that references in the said sections to the Board of Trade shall be deemed to refer to the Minister or Ministry of Transport as the case may be.

9.—(1) The Corporation may in under or over the surface of the streets or roads in which any tramway of the Corporation is or will be situate or in which it may be necessary so to do in order to connect any such tramway with any generating station construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working any such tramway by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided that no post or other apparatus shall be erected on the carriageway of any street or road except with the consent of the Minister of Transport.

As to  
electrical  
works.

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

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

Cross-overs  
to be con-  
structed in  
certain  
cases.

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

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

11.—(1) The Corporation may subject to the provisions of this Act with the consent of the Minister of Transport make maintain alter and remove such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of any of the tramways of the Corporation or for providing access to any warehouses stables or carriage-houses or works of the Corporation.

(2) Notwithstanding anything shown on the deposited plans the Corporation may with the consent of the Minister of Transport lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways of the Corporation and may with the like consent at any time alter the position in the road of any of such tramways or any part thereof.

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

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

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—  
Apparatus  
used for  
mechanical  
power  
deemed part  
of tramway.

13.—(1) The Corporation may with the consent of the owner of any building wall or bridge attach to such structure such brackets wires and apparatus as may be required for the working of any of the tramways of the Corporation by mechanical power Provided that—

Attachment  
of brackets  
to buildings.

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

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

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

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(2) For the purpose of this section any occupier of a building wall or bridge whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

(3) Notwithstanding anything contained in this section no brackets wires or apparatus shall be attached to any county bridge or to any building wall or bridge belonging to or forming part of the railway or canal undertaking of a railway company without the consent in writing of the Lancashire County Council or the railway company as the case may be which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport.

For pro-  
tection of  
Postmaster-  
General.

14—(a) Notwithstanding anything in this Act or in the Act of 1899 contained if any of the works authorised to be executed by this Act or by the Act of 1899 involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(b) In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect :—

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

this subsection shall be determined by arbitration;

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

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the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Ministry of Transport regulations;

- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding twenty pounds and to a further fine not exceeding ten pounds for every day during which such contravention or non-compliance continues after conviction thereof or if the telegraphic communication is wilfully interrupted to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which such interruption continues after conviction thereof;
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a penalty under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice;
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work;
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12

of the Telegraph Act 1878 shall be deemed to be incorporated with this Act; A.D. 1926.

- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882;
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Minister of Transport on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act;
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid;
- (12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation;
- (13) Section 29 (For protection of Postmaster-General) of the Act of 1899 is hereby repealed.

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

Use of tramway posts by Postmaster-General.

(a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways;

(b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice

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in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain. Any difference as to any matter referred to in such notice shall be determined as hereinafter provided;

- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Minister of Transport arising through the exercise by the Postmaster-General of the powers conferred by this section;
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires. Any difference as to the conditions of attachment shall be determined as hereinafter provided;
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road;
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used



- by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair;
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants;
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided;
- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants;
- (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove

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the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

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

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

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

#### *Trolley Vehicles.*

As to use  
of trolley  
vehicles on  
tramway  
routes.

**16.**—(1) The Corporation may with the consent of the Minister of Transport and subject to such conditions as he may impose provide maintain and equip (but shall not manufacture) trolley vehicles and may work the same along any street or road in the borough along which they are for the time being authorised to construct or work tramways and along

any other street in the borough which the Corporation think it necessary or convenient to use for the purpose of connecting trolley vehicle routes or of obtaining access thereto from any depôt garage building or work of the Corporation.

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(2) The Corporation may adapt and use for the purpose of working trolley vehicles under or in pursuance of the powers of this Act any apparatus and equipment provided by them for working tramways.

(3) Before equipping any route for working trolley vehicles to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval.

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

Exclusive right of using apparatus for working trolley vehicles.

18. The trolley vehicles and the electrical equipment thereof used by the Corporation under the authority of this Act shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport. Before applying to the Minister of Transport for his approval of the weight of any trolley vehicle to be used upon any road which crosses a bridge belonging to and repairable by a railway company the Corporation shall give to such railway company notice of the weight of the trolley vehicles proposed to be used by them and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight. Provided that notice of such objections shall be forwarded by such railway company to the Corporation at the same time as the same are submitted to the Minister of Transport.

Approval of vehicles by Minister of Transport.

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Application  
of Tram-  
ways Act to  
trolley  
vehicles.

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

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

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

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

Section 47 (Penalties may be imposed in byelaws);

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

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

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

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

Section 55 (Promoters or lessees to be responsible for all damages);

Section 56 (Recovery of tolls penalties &c.);

Section 57 (Right of user only);

Section 60 (Reserving powers of street authorities to widen &c. roads); and

Section 61 (Power for local or police authorities to regulate traffic in roads).

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

Application  
of provisions  
of Act of  
1899 and

20. The sections of the Act of 1899 and of this Act the marginal notes of which are in this section set forth shall so far as applicable apply with reference

to the trolley vehicles authorised by or in pursuance of this Act and the apparatus and equipment for working the same and for the purpose of such application those sections shall be read and have effect as if the works constructed or to be constructed in the streets or roads for moving trolley vehicles by electrical power were tramways and as if the trolley vehicles were carriages used on tramways :—

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—  
this Act to  
trolley  
vehicles.

THE ACT OF 1899 :

- Section 11 (Tramways not to be opened until certified by Board of Trade);
- Section 26 (Provisions as to motive power);
- Section 28 (Special provisions as to use of electrical power);
- Section 30 (For protection of Lancashire and Yorkshire Railway Company);
- Section 33 (Corporation may use tramways for sanitary purposes);
- Section 35 (Passengers' luggage);
- Section 39 (Periodical revision of rates);
- Section 41 (Cheap fares for labouring classes);  
and
- Section 44 (Byelaws).

THIS ACT :

As to electrical works;

Apparatus used for mechanical power deemed part of tramway;

Attachment of brackets to buildings;

For protection of Postmaster-General; and

Use of tramway posts by Postmaster-General :

Provided that references in the said sections of the Act of 1899 to the Board of Trade shall be deemed to refer to the Minister or Ministry of Transport as the case may be and references to the Lancashire and Yorkshire Railway Company in the said section 30 of the Act of 1899 shall be deemed to refer to the London Midland and Scottish Railway Company.

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Traffic in  
trolley  
vehicles.

**21.** The trolley vehicles may be used for the purpose of conveying passengers and their 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) and the said trolley vehicles shall not be used for the carriage of any minerals or any other animals or goods.

Passengers'  
fares.

**22.** The Corporation may demand and take for every passenger travelling upon the trolley vehicles including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare any fraction of a mile shall be deemed a mile.

Charges for  
parcels.

**23.** The Corporation may demand and take for parcels carried in the trolley vehicles charges not exceeding such maximum charges as may from time to time be approved by the Minister of Transport.

Duties on  
licences for  
trolley  
vehicles.

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

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

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

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

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

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—  
Minister of  
Transport  
may autho-  
rise new  
routes in  
borough.

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

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

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

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

(4) The Minister of Transport shall consider any such application and may if he think fit direct an inquiry to be held in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the

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prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

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

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

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

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

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

As to abandonment of tramways.

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



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

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

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

Tramway regulations to apply to trolley vehicles.

*Omnibuses.*

**29.**—(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.

Power to run omnibuses.

(2) 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.

(3) 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.

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

**30.** Nothing in 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.

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Fares and  
charges.

**31.**—(1) Subject to the provisions of this section the Corporation may demand and take for passengers 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.

(2) Any application for a revision of such maximum fares or charges may be made by the Corporation.

(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.

Working  
agreements  
as to  
omnibuses.

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

(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.

(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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*General.*

Working  
agreements  
as to  
tramways  
and trolley  
vehicles.

**33.**—(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 or trolley vehicles which may now or hereafter be connected with the tramway or trolley vehicle systems of the Corporation on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

- (a) The formation of junctions between the tramway and trolley vehicle systems 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 or trolley vehicles 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 or trolley vehicles of the contracting parties of rolling stock and vehicles 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 or trolley vehicles 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 tramway and trolley vehicle systems of the contracting parties.

(2) During the continuance of any agreement under this section for the working or user by one of the contracting parties of the tramway and trolley vehicle

systems of the other the tramway and trolley vehicle systems of the parties so contracting shall for the purposes of calculating maximum rates and charges or fares in respect of conveyance partly over the tramway and trolley vehicle systems of the one party and partly over those of the other be considered as one system and the maximum charge for 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.

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(3) In this section the word "tramway" includes light railway.

**34.** The Corporation may for the purposes of the tramway undertaking purchase take on lease and hold (by agreement but not otherwise) in addition to the lands already forming part of that undertaking any lands and hereditaments not exceeding in the whole thirty acres which the Corporation may require for the purposes of the tramway undertaking.

Power to purchase lands by agreement.

Provided that nothing in this Act shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or held under the provisions of this section.

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

Provision of depôts &c.

(2) Nothing in this section shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them thereunder.

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

Conveyance of mails.

**37.** The Corporation may acquire and hold patent and other rights and licences (not being exclusive) in relation to the use of electrical power for any purpose of the tramway undertaking.

Power to hold patent rights.

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Definition  
of cars.

**38.** In the provisions of this Part of this Act hereinafter contained the expressions "the cars" and "cars" mean the carriages used on any of the tramways of the Corporation and on any tramways tramroads or light railways from time to time demised to or run over by the Corporation and the trolley vehicles and the omnibuses of the Corporation.

Power to  
appoint  
stages.

**39.** The Corporation may appoint stages upon any of their tramways and trolley vehicle routes each of not less than half a mile in length and may demand and take for every passenger travelling upon their tramways and the trolley vehicles including every expense incidental to the conveyance of such passenger any rates or charges not exceeding one penny 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.

Payment of  
fares rates  
and charges.

**40.** The fares rates and charges authorised by this Part of this Act shall be paid to such persons and at such places and in such manner and under such regulations as the Corporation or the persons entitled to demand and take such fares rates and charges may appoint.

Power to  
reserve cars  
for special  
purposes.

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

Provided that—

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

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

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

passengers shall not extend to any cars run under the powers of this section and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

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42. The Corporation may appoint the stations and places from which the cars shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time during which the cars shall be allowed to remain at any such place but any such appointment and fixing of time shall (as respects any station or place outside the borough) be subject to the consent of the local authority of the district within which that station or place is appointed.

Stopping  
and starting  
places.

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

Cloakrooms  
&c.

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

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

Shelters or  
waiting  
rooms.

45. The following provisions for the protection and benefit of railway companies shall apply and have effect except in so far as may be otherwise agreed in writing between the Corporation and the company:—

For protec-  
tion of rail-  
way com-  
panies.

Notwithstanding anything contained in this Act no shed shelter waiting room gangway cloakroom or room barrier or post shall be erected maintained or provided or starting or stopping place appointed nor shall the Corporation require persons waiting at any stopping place or any

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

Property  
found in  
cars.

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

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

**47.—(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 or to any lamp-post belonging to a local authority except with their 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.

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**48.** 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.

Consents  
of local  
or road  
authorities.

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

Penalty for  
malicious  
damage.

**50.** 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.

Application  
of Tram-  
ways Act to  
byelaws.

**51.** The following provisions of the Act of 1899 are hereby repealed namely:—

Repeal of  
certain  
tramway  
provisions.

Section 16 (Passing-places to be constructed where less than a certain width left between footway and tramway);

Section 17 (Power to make additional crossings &c.); and

Section 38 (Prohibiting increased fares on Sundays or bank holidays).

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## PART III.

## WATER.

Confirma-  
tion of con-  
struction of  
well.

**52.**—(1) Subject to the provisions of this Act the Corporation may appropriate and use for the purposes of the water undertaking the well and works and the site thereof and conveniences used in connection therewith situate in the electricity works of the Corporation in the borough and now forming part of the electricity undertaking and on the appropriation thereof a transfer of the value of the same and of any moneys borrowed in respect thereof shall be effected in the books of the Corporation.

(2) The construction of the said well and works is hereby sanctioned and confirmed and the Corporation may use alter improve enlarge extend and reconstruct the same for any purpose of the water undertaking and may make and maintain in connection therewith a pumping station together with all such buildings machinery works and apparatus of whatever character as may be necessary or convenient.

Confirma-  
tion of  
purchase  
of lands.

**53.** The Corporation may hold and use for the purposes of the water undertaking the lands and premises in the parish of Tockholes known as Kiln Bank Farm Houghton's Farm and Bury's Tenement which have already been acquired by them for the purposes of the said undertaking.

Power to  
Corpora-  
tion to make  
catchwater.

**54.**—(1) Subject to the provisions of this Act the Corporation may as part of and for the purposes of the water undertaking make and maintain in the parish of Tockholes in accordance with the deposited plans and sections and upon the lands delineated upon those plans and described in the deposited book of reference a catchwater or conduit commencing at a point about five hundred and fifty yards west of Carr Hall Cottages and terminating at the western end of the embankment of the Earnsdale reservoir of the Corporation and may enter upon take and use all or any of the lands delineated on the deposited plan relating thereto and described in the deposited book of reference.

(2) In addition to the foregoing work the Corporation may upon the said lands make and maintain all such

buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned work but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

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**55.** Any electrical works or apparatus made or maintained under the provisions of this Part of this Act shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of such line.

For further protection of Postmaster-General.

**56.** In the construction of the catchwater or conduit authorised by this Act the Corporation may subject to the provisions of this Act deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

Limits of deviation.

**57.** The Corporation may stop up the portion of the public footpath which extends from the north-east end of Houghton's Farm buildings to the public footpath east of Bury's Tenement and thereupon all rights of way over that portion of footpath shall be extinguished Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to stop up footpath.

**58.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of October one thousand nine hundred and twenty-nine.

Period for compulsory purchase of lands.

**59.** Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking all such springs streams and waters as may be intercepted by means of the works the construction of which is by this Part of this Act authorised or confirmed.

Power to take waters.

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—  
Diversion  
of farm  
drainage &c.

**60.** The Corporation shall not permit any water intercepted by means of the catchwater or conduit by this Act authorised to flow into the Earnsdale reservoir of the Corporation unless and until they have effectively diverted to a point or points below the level of the said catchwater or conduit the drainage and sewage from the farm buildings and yards of Kiln Bank Farm Houghton's Farm and Bury's Tenement.

Limiting  
powers of  
Corporation  
to abstract  
water.

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

Power to  
deliver  
water from  
well into  
Earnsdale  
reservoir.

**62.** Subject to the provisions of this Act the Corporation may deliver into the Earnsdale reservoir of the Corporation water obtained from the well the construction of which is by this Act confirmed and notwithstanding anything contained in any Act passed or agreement made prior to the passing of this Act the Corporation may subject as aforesaid use the water so delivered when passed through the reservoir for the purpose of meeting their obligations in regard to the discharge of compensation water into the Earnsdale brook. Provided that no such water shall be so delivered until it shall have been subjected to such treatment as may be necessary to reduce the hardness of the water so that it shall not exceed nine degrees according to Clarke's scale.

As to com-  
pensation  
water for  
supply of  
Earnsdale  
Brook.

**63.** As from the first day of July one thousand nine hundred and twenty-seven section 37 (Compensation to millowners and others) section 38 (Gauges &c. to be provided) section 39 (For settlement of disputes as to compensation) and section 40 (Provisions of this Act to be full compensation for water) of the Act of 1869 shall be repealed and in lieu thereof the following provisions shall subject to the provisions of this Act apply and have effect:—

- (1) The Corporation shall cause to be discharged from the Earnsdale reservoir into the channel of the Earnsdale brook in a regular and continuous flow at a point not more than two

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hundred yards below the foot of the embankment of the said reservoir quantities of water not less than the following (that is to say):—

(a) until the date when water intercepted by means of the catchwater or conduit by this Act authorised is first permitted to flow into the Earnsdale reservoir four hundred thousand gallons during every working day of twenty-four hours from eight p.m. on Sunday to eight p.m. on Friday inclusive and two hundred thousand gallons during the day time of every other period of twenty-four hours reckoned from eight p.m. to eight p.m.; and

(b) on and after the said date four hundred and twenty-nine thousand gallons during every working day of twenty-four hours from eight p.m. on Sunday to eight p.m. on Friday inclusive and two hundred and fourteen thousand five hundred gallons during the day time of every other period of twenty-four hours reckoned from eight p.m. to eight p.m.:

- (2) For the purpose of measuring the quantity of water to be so discharged the Corporation shall erect and maintain at a point not more than two hundred yards below the foot of the embankment of the said reservoir a proper and suitable automatic measuring gauge over or through which the said compensation water shall flow and the same and the records thereof shall be open to the inspection and examination of the River Ribble Joint Committee and of the owners as defined by the section of this Act of which the marginal note is "For protection of Wall Paper Manufacturers Limited":
- (3) In case of any neglect on the part of the Corporation to maintain any gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow the Corporation shall for every day on which such neglect occurs forfeit and pay to the said joint committee and to each of the said owners (who may sue for and recover the same) the sum of

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five pounds and shall in addition make compensation for any loss damage or injury sustained by any person in consequence of any such neglect :

- (4) If any difference arises between the Corporation and the River Ribble Joint Committee or any of the said owners with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the President of the Institution of Civil Engineers :
- (5) Notwithstanding anything contained in any Act passed or agreement made prior to the passing of this Act the provisions of this section shall be accepted and taken by all persons interested as full compensation in respect of all waters which under the powers of the Act of 1869 and the recited Act therein referred to and this Act the Corporation can collect impound take intercept abstract use divert and appropriate by means of the waterworks as defined by the Act of 1869 and the catchwater or conduit by this Act authorised.

For protec-  
tion of Wall  
Paper  
Manu-  
facturers  
Limited.

**64.** For the protection of the Wall Paper Manufacturers Limited or other the owners and occupiers for the time being of the mills manufactories or works known respectively as the Hollins Mills and the works of the Anaglypta Company Limited (all of whom are in this section referred to as "the owners") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the owners and the Corporation apply and have effect (that is to say) :—

- (1) The Corporation shall not deliver into the Earnsdale reservoir any water obtained from the well the construction of which is by this Act confirmed unless and until they shall have softened such water by the process known as the lime and soda process to a degree of hardness not exceeding nine degrees according to Clarke's scale nor shall they deliver into the said

reservoir on any one day any greater quantity of such water as so softened than four hundred thousand gallons :

- (2) Two days' previous notice in writing of the time and date of the commencement of pumping of the said water into the Earnsdale reservoir shall be given from time to time by the Corporation to the owners by registered letter addressed to the owners at their principal offices in Darwen and notice of the cessation of such pumping shall forthwith after cessation be given to the owners at their said offices :
- (3) The Corporation shall permit any duly authorised representatives of the owners at all reasonable times to enter upon and inspect the works of the Corporation at which the process of softening the said water or any part thereof is carried on :
- (4) The Corporation shall not discharge into the Earnsdale reservoir any such water as aforesaid at any point north of the line marked A—B on the plan signed in duplicate by the Right Honourable the Earl of Donoughmore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan one copy has been deposited in the Parliament Office in the House of Lords and the other copy in the Committee and Private Bill Office of the House of Commons :
- (5) The owners and their duly authorised representatives shall be entitled at any time to take for analysis samples of any water obtained from the well the construction of which is by this Act confirmed whether before or after the process of softening the same and to enter upon the property of the Corporation for that purpose and the Corporation shall afford to the owners and their said representatives all reasonable facilities for the taking of such samples. The taking of such samples and the place hour and date of such taking shall as soon as may be thereafter be communicated to the town clerk and a duplicate of every such sample handed to him :

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(6) The Corporation shall cause to be carried out such tests as may be necessary for an efficient control of the quality of any such water as aforesaid as is delivered into the Earnsdale reservoir and records of all such tests stating the place hour and date of making the same shall be furnished to and shall be retained by the Corporation for a period of one year and such records shall be open to the inspection of the owners and their duly authorised representatives at the municipal buildings Darwen who may from time to time take copies thereof or extracts therefrom :

(7) The Corporation shall make good and indemnify the owners against all losses damages or expenses which may be suffered or incurred by the owners in consequence of the failure on the part of the Corporation to comply with any of the provisions of this section.

For protec-  
tion of River  
Ribble Joint  
Committee.

**65.** The records referred to in subsection (6) of the section of this Act of which the marginal note is " For protection of Wall Paper Manufacturers Limited " shall at all reasonable times be open to the inspection at the municipal buildings Darwen of the River Ribble Joint Committee who may from time to time take copies thereof or extracts therefrom.

Power to  
supply  
water from  
well for  
domestic  
purposes.

**66.** The Corporation may supply for domestic purposes water obtained from the well the construction of which is by this Act confirmed Provided that no such water shall be so supplied until it shall have been subjected to such treatment as may from time to time be prescribed by the Minister of Health Provided also that nothing in this section shall relieve the Corporation from the obligations imposed upon them by subsection (1) of the section of this Act of which the marginal note is " For protection of Wall Paper Manufacturers Limited."

Works for  
protection  
of water-  
works.

**67.** The Corporation may in and upon any lands held by them for the purposes of the water undertaking construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which they are empowered to take



from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or water-course under across or along any street or road within any area in or through which any waters which may be taken by them arise or flow subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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**68.** The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any of the works forming part of the water undertaking with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be collected diverted and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into any of the works forming part of the water undertaking.

Power to agree as to drainage of lands &c.

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

As to certain supplies of water where hose pipe used.

**70.**—(1) At any time after the passing of this Act on the application of the Corporation or of any local authority having jurisdiction within the water limits the Minister of Health by order may vary by way either of increase or decrease the maximum rates and charges for the supply of water authorised by the Acts relating to the water undertaking and the basis on which such rates and charges may be reckoned and may modify extend or vary the provisions contained in the Third Schedule to the Act of 1887 Provided that the rate for a supply of water for domestic purposes to hotels public-houses beer-houses and off licensed houses and club houses in or

Revision of water rates and charges.

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upon which any intoxicating liquor is sold or consumed shall exceed by one per centum upon the rateable value of such premises and to common lodging-houses shall exceed by two and one-half per centum upon the rateable value of such premises the rate for a supply of water for domestic purposes to other premises of the same rateable value.

(2) The rates and charges from time to time prescribed shall be sufficient so far as can be estimated to enable the water undertaking to be carried on without loss after providing a reasonable sum as a contribution towards the reserve fund of the water undertaking so long as such fund does not amount to the maximum prescribed by the section of this Act of which the marginal note is "Separate accounts in respect of certain undertakings."

(3) In the absence of exceptional circumstances the said Minister shall not vary the said rates and charges at less intervals than three years.

Application  
of section 35  
of Water-  
works  
Clauses  
Act 1847.

**71.** Section 35 of the Waterworks Clauses Act 1847 in its application to the Corporation shall be read and construed as if the words "one-seventh part" and "five successive years" were substituted therein for the words "one-tenth part" and "three successive years" respectively.

Detection  
of waste.

**72.** 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 belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

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.

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**73.** 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 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 Corporation to repair communication pipes.

**74.—(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.

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

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain

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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.

Corporation not bound to supply several houses by one pipe.

**75.**—(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.

(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.

Cleansing of cisterns.

**76.** 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.

Period of error in defective water meter.

**77.** 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 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.

Penalty for closing valves and apparatus.

**78.** 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.

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#### PART IV.

#### GAS.

**79.** 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.

Consumers to give notice to Corporation before removing.

**80.** 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.

**81.** 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.

Notice to discontinue supply of gas.

**82.** 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

Supply of gas where consumer

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has separate  
supply.

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.

Period of  
error in  
defective  
gas meter.

**83.** In the event of any meter used by a consumer of gas being tested in manner provided by the regulations made by the Board of Trade under the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said regulations 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 of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Application  
of section 13  
of Gasworks  
Clauses  
Act 1847.

**84.** Section 13 of the Gasworks Clauses Act 1847 in its application to the borough shall be read and have effect as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Corporation shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section.

Power to  
supply gas  
fittings &c.

**85.**—(1) The Corporation may purchase sell let for hire fix alter repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes (in this section referred to as "fittings") and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or

rents and charges and make such terms and conditions as may be agreed upon. A.D. 1926.

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

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

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

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

(5) Provided as follows :—

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

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

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

(6) Any sum due or payable to the Corporation in respect of the sale or hire of any fittings or the provision of materials and work in connection therewith as are referred to in this section or the fixing altering repairing or removal thereof may (if recovered along with a sum due for a supply of gas) be recoverable summarily provided the amount due or payable under this section does not exceed twenty pounds.

Anti-fluctuators to be used with gas engines.

**86.**—(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.

(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. A.D. 1926.

87.—(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 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

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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.

Citation of  
Act 18 Vict.  
c. xliii.

**88.** The Over Darwen Gas Act 1854 (18 Vict. c. xliii) may be cited as the Darwen Gas Act 1855 and section 2 (Short title) of the said Act is hereby repealed.

## PART V.

### ELECTRICITY.

Attachment  
of brackets  
&c. to  
buildings.

**89.** The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the purposes of the electricity undertaking :

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building 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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- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building 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 petty sessional court shall have the same power as under proviso (1):
- (3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building:
- (4) No brackets wires and attachments shall be attached to any bridge or other work of any railway company without the previous consent in writing of that company.

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

**90.**—(1) The Corporation may subject to the provisions of the *Darwen Corporation Electric Lighting Order 1897* 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 supply electricity 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

Power to construct electrical sub-stations in or under streets.

A.D. 1926. — 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 company or upon or under any bridge of a railway company or the approaches thereto except with the consent in writing of such company.

Notice to discontinue supply of electricity.

**91.** 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.

Power to recover charge for re-connecting.

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

Provisions as to supply of electricity by agreement.

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

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 23 (Penalty for failure to supply) of the

Darwen Corporation Electric Lighting Order 1897 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation. Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions. A.D. 1926.

94. Notwithstanding anything contained in the Electricity (Supply) Acts 1882 to 1922 or in any other Act or any Order relating to the Corporation or the electricity undertaking the Corporation may in all or any cases where they supply electricity charge for and in respect of such supply by any method from time to time selected by the Corporation and approved by the Minister of Transport. Any such method may be other than by the actual amount of electricity supplied or the electrical quantity contained in such supply and may authorise a periodical charge in respect of the maximum power required by the consumer in addition to a charge for the electricity supplied to him. Method of charging for electricity.

95. In the event of a meter of a construction and pattern approved by the Board of Trade or Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it is proved to have first arisen during the then current quarter. 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. Period of error in defective electricity meter.

96.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises Entry upon premises and

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—  
penalty for  
obstruction.

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.

(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.

Receipts  
and ex-  
penses  
under Part  
V. of Act.

**97.** 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.

### LANDS.

Power to  
develop  
lands &c.

**98.**—(1) The Corporation may lay out and develop and erect and maintain shops offices warehouses and other like buildings and construct pave flag channel and kerb streets roads and ways upon any lands authorised to be acquired by the Darwen Order 1924 for the widening and improvement of Market Street Green Street Arch Street and School Street which have been or shall be acquired by the Corporation and shall not be required for the purposes of the said improvements and any other lands belonging to the Corporation lying between Market Street and the municipal buildings and the Corporation may sell lease exchange or otherwise dispose of any such shops offices warehouses and buildings upon and subject to such terms conditions and restrictions as they may think fit.

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(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings in the neighbourhood of any lands referred to in subsection (1) of this section with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

**99.**—(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

A.D. 1926. under this section shall be payable out of the borough  
— fund and borough rate.

Retention  
and disposal  
of lands.

**100.**—(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 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 :

Provided that the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the said Minister is necessary or has been obtained.

(2) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any appropriation 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.

(3) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have



derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

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**101.**—(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.

Proceeds of  
sale of sur-  
plus lands.

(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 VII.

### CONSOLIDATION OF RATES.

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

Commence-  
ment of  
Part VII.  
of Act.

**103.** The following enactments are hereby repealed namely :—

Repeal of  
certain  
rating  
provisions.

#### THE ACT OF 1873 :

Section 58 (Waterworks and gasworks rates for expenses of carrying powers of Act into execution);

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Section 59 (Provisions as to general district rates to apply to waterworks rates and gasworks rates);

Section 60 (Waterworks rates and gasworks rates may be collected with general district rates).

## THE ACT OF 1879 :

Section 10 (As to rates in added area);

Section 92 (Power to allow discount from rates).

## THE ACT OF 1887 :

Section 148 (Power to levy rates by instalments);

Section 163 (Continuation of certain exemptions under Act of 1879).

## THE ACT OF 1899 :

Section 149 (Collection of local rates);

Section 150 (Power to amend rates);

Section 151 (Power to assess owners in certain cases);

Section 155 (Recovery of rates); and

Section 156 (Dates for payment of water rents).

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

**104.**—(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 the credit of the district fund or general district rate shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate.

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(2) The district fund 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 district fund or the general district 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 district fund or the general district 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.

**105.** The contribution of the township to the borough rate shall be paid out of the poor rate and the provisions of section 145 of the Municipal Corporations Act 1882 shall apply to such contribution.

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

**106.** The poor rate (inclusive of the contributions to the borough fund levied in pursuance of the provisions of this Act) shall be called "the general 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 general rate.

**107.** The provisions contained in this section shall have effect with respect to the general rate (that is to say) :—

Differential rating in certain cases.

(1) In respect of any period before the date of the first new valuation the occupier of any land used as woodlands 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 general rate in respect of such hereditaments on the full rateable

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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 seventy-four per centum only of the amount in the pound of the rate payable in respect of hereditaments not entitled to relief from rating :

(2) The Corporation shall for the purpose of the estimate to be made by the Minister of Health under section 3 of the Agricultural Rates Act 1923 prepare and transmit to him before the thirty-first day of March one thousand nine hundred and twenty-seven such a return as they might have been required by him to prepare and transmit under paragraph 5 of Part III. of the Second Schedule to the Act of 1925 if this Act had not been passed :

(3) 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 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 amount of the contribution for any purposes to be made by the township out of the poor rate; or

(d) the calculation of the amount in the pound of the part of the general rate levied for the purposes of the relief of the poor and other expenses of the guardians which

is required to be stated in the demand note for the poor rate:—

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(4) (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 who shall 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.

**108.** The provisions of section 11 of the Act of 1925 shall (notwithstanding anything contained in subsection (10) thereof) come into operation in the borough on the first day of April one thousand nine hundred and twenty-seven and shall have effect in substitution for the provisions contained in sections 3 and 4 of the Poor Rate Assessment and Collection Act 1869 and paragraph (a) of subsection (1) of section 211 of the Public Health Act 1875 and as from the said date all resolutions agreements and notices then in force under any such provisions as aforesaid shall cease to have effect.

Rating of  
and  
collection of  
rates by  
owners.,

**109.**—(1) Any rate rent or charge payable to the Corporation in respect of premises within the borough or the supply of any service thereto may be collected together with the general rate but distinguished therefrom and the same books may be used for the said rate rent or charge and the general rate.

Other rates  
and charges  
may be col-  
lected with  
general rate.

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(2) (a) The Corporation may demand all water rates rents and charges payable to them by half-yearly instalments in advance on the first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of two months from the said days respectively.

(b) When the Corporation exercise the powers of this subsection section 18 (Valuation to be according to the assessment to the poor rate) of the Act of 1887 shall have effect as if "half-year" were substituted therein for "quarter."

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

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

Amendment of error in general rate.

**111.** Any person aggrieved by reason of any clerical or arithmetical error in a general 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 Corporation 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.

Borough rate may include working balance.

**112.** 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 or after the date of the first new valuation the general rate fund of the borough 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.

Application of Act of 1925.

**113.—**(1) This Part of this Act shall be deemed to be a local Act within the meaning of sections 2 22 and 66 of the Act of 1925 and an Act within the meaning of section 69 of the Act of 1925.

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(2) For the purposes of paragraph (3) in column (1) of Part II. of the Second Schedule to the Act of 1925 this Part of this Act shall be deemed a local Act passed before the commencement of the Act of 1925 and for the purposes of paragraph (3) (b) in column 2 of the said Part II. the percentage of the net annual value which corresponds with the percentage of the relief from rating given by this Act shall be deemed to be twenty-six per centum.

(3) Paragraph (b) of subsection (3) and subsection (7) of section 2 and sections 5 8 55 and 59 of the Act of 1925 shall be deemed to be incorporated with and to form part of this Part of this Act Provided that for the purposes of the incorporation of the said subsection (7) of section 2 the expression "valuation list" where used therein shall mean a valuation list made under the Act of 1925.

PART VIII.

FINANCE.

114.—(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 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)—

Power to borrow and repayment of borrowed moneys.

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 construction of the tramway	£ 1,400	Twenty years from the date or dates of borrowing.

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Purpose.	Amount.	Period for Repayment.
(3) For the electrical equipment of the tramway	£ 300	Twenty years from the date or dates of borrowing.
(4) For the provision of omnibuses	5,000	Eight years from the date or dates of borrowing.
(5) For the purchase of lands for the water undertaking	3,232	Sixty years from the date or dates of borrowing.
(6) For the construction of catchwaters or conduits for collecting water	6,700	Forty years from the date or dates of borrowing.
(7) For pumping station machinery and plant at well confirmed by this Act	3,000	Twenty years from the date or dates of borrowing.
(8) For rising main service reservoir outlet main and trunk distribution mains	20,800	Thirty-five years from the date or dates of borrowing.
(9) For distribution mains for water-works purposes	15,000	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 tramway 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

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(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.

**115.** 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 ACT OF 1887:

Section 158 (Corporation not to regard trusts).

THE ACT OF 1899:

Section 138 (Mode of raising money);

Section 140 (Mode of paying off of money borrowed);

Section 141 (Sinking fund);

Section 144 (Application of borrowed moneys);  
and

Section 145 (Appointment of a receiver):

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 section 141 and the said section shall be read and have effect as if the Minister of Health were referred to therein in lieu of the Local Government Board.

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Alteration  
of rate basis  
for sinking  
fund calcu-  
lations of  
Corporation.

**116.** Notwithstanding anything contained in any Act of Parliament or Order the rate of accumulation of the annual payments to any sinking fund being an accumulating sinking fund which the Corporation are required by such Act or Order to set aside for repayment of borrowed moneys may be reckoned at a rate not exceeding three and a half per centum or such higher rate as the Minister of Health may from time to time approve.

Power to  
use one form  
of mortgage  
for all  
purposes.

**117.**—(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.

(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 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 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.

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(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 one month 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 schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

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

(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

A.D. 1926. 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.

Power to  
re-borrow.

**118.**—(1) The Corporation shall have power—

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

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

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

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

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

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

(c) out of moneys derived from the sale of land; or

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

**119.**—(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.

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Returns as  
to sinking  
fund.

(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 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.

**120.**—(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

Scheme for  
fixing  
equated  
periods.

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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.

(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 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.

121.—(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-seven 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.

(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

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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.

Investment  
of and pay-  
ments into  
sinking  
fund.

**122.** 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 provisions shall have effect with respect to the appropriate 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 and form part of the borough fund.



**123.** 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 the moneys forming part of such reserve or renewals fund and the interest on the investments of such moneys in statutory securities.

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Power to invest certain funds in statutory securities.

**124.** Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve or superannuation fund (in this section referred to as "the lending fund") subject to the following conditions:—

Use of moneys forming part of sinking and other funds.

- (1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable. Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:
- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation 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 such interest shall be paid out of the

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fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :

- (3) The statutory borrowing power 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 re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Receipt  
in case of  
persons not  
sui juris.

**125.** 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.

Evidence of  
transfer or  
transmission  
of securities.

**126.** It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk 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.

Interest on  
securities  
held jointly.

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

Protection  
of lender  
from  
inquiry.

**128.** 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 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.

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**129.** In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Corporation may borrow the amount of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Public Health Act 1875 and the Sanitary Acts as defined by that Act shall be deducted from the total debt of the Corporation under those Acts.

As to section 234 of Public Health Act 1875.

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

Period for repayment of loans under Municipal Corporations Act 1882.

**131.**—(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.”

Audit of accounts of Corporation by 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

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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.

(6) When the Corporation exercise the powers of this section section 162 (As to audit of borough fund accounts) of the Act of 1887 shall have effect as if "appointed auditor" were substituted therein for "elected auditor."

Repeal of certain provisions relating to accounts and revenues.

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

THE ACT OF 1873 :

- Section 66 (Separate accounts for waterworks and gasworks);  
Section 68 (Application of other moneys).

THE ACT OF 1879 :

- Section 82 (Power to apply profits of water and gas undertakings).

THE DARWEN CORPORATION ELECTRIC LIGHTING ORDER 1897 :

- Section 52 (Application of revenue).

THE ACT OF 1899 :

- Section 49 (Application of revenue of undertaking).

Revenue and expenses of trading undertakings.

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

- (1) the tramway undertaking;  
(2) the water undertaking;

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- (3) the gas undertaking;
- (4) the electricity undertaking; and
- (5) the markets 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.

**134.** As from the first day of April one thousand nine hundred and twenty-seven 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 tramway undertaking the water undertaking the gas undertaking the electricity undertaking and the markets 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 un-  
dertakings.

- (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 and the gas undertaking respectively the payment of annuities granted under the Act of 1873;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking and in the case of the water undertaking and the gas undertaking respectively the requisite provision for redemption of annuities granted under the Act of 1873;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (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

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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 the gas undertaking and the electricity undertaking respectively to one-tenth 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 or improvement 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 the Corporation may resort to any such fund for the above purposes notwithstanding that the same may not at any time amount to the limit (if any) hereinbefore prescribed and may use any moneys for the time being standing to the credit of any such fund as working capital of the undertaking and in such event they shall credit such fund from revenue account under the heading of the undertaking with interest at the rate of three pounds ten shillings per centum per annum during the period of use on so much of the fund as shall be so utilised.

Application  
of section 17  
of Act of  
1887.

**135.** For the purposes of section 17 (Rents for domestic supply) of the Act of 1887 the receipts from revenue and the payments and expenses on account of revenue of the water undertaking as shown by the

accounts to be kept in pursuance of the section of this Act of which the marginal note is "Separate accounts in respect of certain undertakings" shall respectively be deemed to be the revenue of the water undertaking and the expenses chargeable against such revenue referred to in the said section 17.

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**136.** Whenever the total receipts from revenue in respect of the electricity undertaking in any year shall exceed the total of the payments and expenses on account of revenue in respect thereof in that year as shown by the accounts to be kept in pursuance of the section of this Act of which the marginal note is "Separate accounts in respect of certain undertakings" (including any payments to a reserve fund) by an amount exceeding five pounds per centum per annum upon the aggregate capital expenditure of that undertaking the Corporation shall make such reductions or adjustments in the charge for the supply of electrical energy as in their judgment will reduce the excess of the said receipts over the said payments to an amount not exceeding the amount of the said five per centum.

Provision  
for  
reduction of  
electricity  
charges.

**137.** Notwithstanding anything contained in this Act the Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

Form of  
accounts.

**138.** 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 ought to be so apportioned or carried.

Apportion-  
ment of  
items.

**139.**—(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.

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Power to  
create  
accident  
fund.

**140.**—(1) The Corporation may if they think fit form a fund to be called “the accident fund” to provide for meeting claims upon them under the common law the Employers’ Liability Act 1880 the Workmen’s Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident whether to their officers servants and workmen or third parties occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sum shall be invested at compound interest in or upon any statutory security but when the fund shall amount to the sum of fifteen thousand pounds the Corporation may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Corporation shall recommence and continue the yearly payments until the fund be restored to the sum of fifteen thousand pounds Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the sum shall not then have reached or shall have been reduced below the said sum of fifteen thousand pounds.

(2) For the purposes of this section the expressions “officers” and “servants” shall include any teacher employed in the education or supervision of children who attend any public elementary school in the borough whether provided by the Corporation as the local education authority or not so provided.

Accounts of  
tramway  
under-  
taking.

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

Accounts to  
be furnished  
to Minister  
of Trans-  
port.

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



**143.** 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. A.D. 1926.  
—  
Expenses of execution of Act.

**144.** The following enactments and so much of any enactments as incorporate or apply the same are hereby repealed (namely) :— Repeal of certain other financial provisions.

THE ACT OF 1879 :

- Section 85 (Consolidation of debts);
- Section 86 (Power to re-borrow);
- Section 90 (Annual return to Local Government Board with respect to sinking fund).

THE ACT OF 1887 :

- Section 157 (Power to re-borrow);
- Section 160 (Accounts to be kept by treasurer and audited in the same manner as the borough accounts);
- Section 161 (Accounts to be made out and annually published);
- Section 196 (Dividends to joint holders);
- Section 204 (Annual return to Local Government Board).

THE DARWEN ORDER 1894 :

Article VI. relating to re-borrowing.

THE ACT OF 1899 :

- Section 142 (Power to re-borrow);
- Section 146 (Protection of lender from inquiry);
- Section 148 (Return respecting sinking fund to Local Government Board);
- Section 154 (Receipts for interest on mortgages in joint names).

THE DARWEN ORDER 1912 :

Article V. (Power to re-borrow).

A.D. 1926.

## PART IX.

## MISCELLANEOUS.

Service of  
summons on  
members  
of council.

**145.** 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.

Inquiries by  
Minister of  
Transport.

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

Recovery  
of penalties  
&c.

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

Penalties to  
be paid over  
to treasurer.

**148.** All penalties recovered on the prosecution by 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.

Recovery of  
demands.

**149.** 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.

**150.** 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.

A.D. 1926.  
—  
Summons or  
warrant  
may contain  
several  
sums.

**151.**—(1) Where any notice or demand under any local enactment byelaw or regulation from time to time in force within the borough requires authentication by the Corporation the signature of any duly authorised officer of the Corporation or of the town clerk shall be sufficient authentication.

Authentica-  
tion and  
service of  
notices &c.

(2) Notices demands orders and other documents required or authorised to be served under any such enactment byelaw or regulation may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

**152.** 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.

Informa-  
tions by  
whom to  
be laid.

**153.** 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.

Judges  
&c. not  
disqualified.

**154.** 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

Compensa-  
tion how  
to be  
determined.

A.D. 1926: 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.

Application of  
section 265 of  
Public Health  
Act, 1875.

**155.** 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.

Powers of  
Act  
cumulative.

**156.** 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.

Repeal.

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

THE ACT OF 1869:

- Section 53 (Notice of discontinuance);
- Section 62 (Liability to water rent not to disqualify justices &c.);
- Section 63 (Authentication of notices).

THE ACT OF 1873:

- Section 70 (Contents of summons warrant &c.);
- Section 73 (Authentication of summons &c.).

THE ACT OF 1879:

- Section 14 (Provisions as to supply of light heat &c. by electricity);

Section 15 (Repeal of Section 47 of Darwen Waterworks Act 1869 and further provisions as to rates for supply of water for domestic purposes); A.D. 1926. —

Section 35 (Corporation may sell or lease lands not required by them);

Section 96 (Authentication of notices &c.).

THE ORDER RELATING TO THE BOROUGH OF OVER DARWEN confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1884.

THE ACT OF 1887.:

Section 217 (Notices to be signed by town clerk or surveyor).

THE ACT OF 1899.:

Section 43 (Form and delivery of notices); and  
Section 84 (As to surplus lands).

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

**159.** 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. 1926.

The SCHEDULE referred to in the  
foregoing Act.

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**FORM OF MORTGAGE.**

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**BOROUGH OF DARWEN.**

By virtue of the Darwen Corporation Act 1926 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Darwen (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 municipal buildings 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 rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

A.D. 1926  
—

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_

*Town Clerk.*

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] \_\_\_\_\_ [of \_\_\_\_\_] in consideration of the sum of \_\_\_\_\_ pounds paid to me by \_\_\_\_\_ (hereinafter referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number \_\_\_\_\_ of the revenues of the mayor aldermen and burgesses of the borough of Darwen

[Ch. xi.]

*Darwen Corporation* [16 & 17 GEO. 5.]  
*Act, 1926.*

A.D. 1926. bearing date the \_\_\_\_\_ day of \_\_\_\_\_ ]  
— and all my right and interest under the same subject to the  
several conditions on which I hold the same at the time of the  
execution hereof and I the transferee for myself my executors  
administrators and assigns do hereby agree to take the said  
mortgage security subject to the same conditions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
nine hundred and \_\_\_\_\_

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Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

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

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