



CHAPTER lxxii.

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Chorley in connection with their several undertakings to consolidate the rates of the borough and to make better provision for the health local government and finance of the borough and for other purposes. [4th August 1926.]

A.D. 1926.

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

And whereas the Corporation are the owners of the undertaking whereby the borough and certain parishes and places in the neighbourhood thereof are supplied with gas and it is expedient to make further provision with regard to that undertaking as in this Act provided :

And whereas the Corporation are the owners of the markets and market places in the borough and it is expedient to make further provision with regard to the markets undertaking of the Corporation as in this Act provided :

And whereas it is expedient to make further and better provision with reference to streets and buildings

A.D. 1926. — infectious disease and sanitary matters and otherwise for the health local government improvement and finance of the borough and that the powers of the Corporation in regard thereto should be enlarged as in this Act provided :

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

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

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

And whereas 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.

Short title.

1. This Act may be cited as the *Chorley Corporation Act 1926*.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Gas.

Part III.—Markets.

Part IV.—Common lodging-houses.

Part V.—Streets buildings sewers and drains.

Part VI.—Infectious disease and sanitary matters.

Part VII.—Human food.

Part VIII.—Hackney carriages and police.

Part IX.—Sale of coke.

Part X.—Public buildings concerts &c.

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Part XI.—Lands.

Part XII.—Rating provisions.

Part XIII.—Financial provisions.

Part XIV.—Miscellaneous.

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

Incorporation of Acts.

(1) The Lands Clauses Acts with the following exception and modification—

(a) Section 127 (relating to the sale of superfluous lands) of the Lands Clauses Consolidation Act 1845 is not incorporated with this Act;

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

(2) The Gasworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers) Provided that section 13 of that Act shall be read 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 and for the same purposes to all consumers” were added at the end of that section; and

(3) The Gasworks Clauses Act 1871 (except sections 7-8 and 35 thereof).

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there

Interpretation.

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A.D. 1926. be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

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

“The borough” means the borough of Chorley;

“The council” means the council of the borough;

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

“The gas undertaking” means the gas undertaking of the Corporation as from time to time authorised;

“Gas revenue” means all moneys received by the Corporation in respect of the gas undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

“The gas limits” means the limits within which the Corporation are for the time being authorised to supply gas;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough and includes any other infectious disease which the Minister of Health may by order made under section 60 of the Public Health Act 1925 declare to be a dangerous infectious disease;

“Child” means a person under the age of sixteen years;

“Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;

“Food” includes every article (other than drugs or water) used for food or drink by man;

“Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction;

“Hackney carriage” means a hackney carriage as defined by the Town Police Clauses Act 1847 and does not include an omnibus as defined by the Town Police Clauses Act 1889;

“The parish” means the parish of Chorley;

“The poor rate” means the poor rate of the parish;

“The general rate” means the poor rate as by this Act authorised to be levied and collected;

“The borough fund” “the borough rate” “the general improvement fund” “the general improvement rate” “the highways fund” “the highways rate” “the general sewers fund” and “the general sewers rate” mean respectively the borough fund the borough rate the general improvement fund the general improvement rate the highways fund the highways rate the general sewers fund and the general sewers rate of the borough;

“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 in the borough;

“The Public Health Acts” means the Public Health Acts 1875 to 1925 and the Acts amending and extending the same;

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

“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

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(Definitions) 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;

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

“The former Acts” means the Acts and Provisional Orders confirmed by Parliament relating to the borough as set out in the First Schedule to this Act except any part of any such Acts or Orders repealed by any subsequent Act or Order and each of such Acts and Orders is in this Act referred to as the Act or the Order of the year in which the same was passed or made.

PART II.

GAS.

Definition
of gas
limits.

5. The limits of the Corporation for the supply of gas shall be defined as being and the same shall be and comprise the borough the townships of Duxbury Heath-Charnock Coppul Charnock-Richard Euxton Heapey Wheelton and Whittle-le-Woods in the rural district of Chorley and so much of the township of Clayton-le-Woods in the said rural district as lies either east of the

Chorley and Preston main road or not more than one quarter of a mile due west of so much of the said road as is north of Oak Vale or not more than half a mile due west of so much of the said road as is south of Oak Vale.

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6. The Corporation may—

- (a) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith on any lands on which they are authorised to make and store residual products manufacture other products of the same kind as the Corporation are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Corporation in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them; and
- (b) purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid;

Additional powers as to manufacture of residual products.

but the Corporation shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Corporation or purchased from other gas undertakings is merely subsidiary.

7.—(1) The Corporation may purchase sell let for hire fix 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 and may provide all materials and do all 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.

Power to supply gas fittings &c.

(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 process of any court or proceedings in

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Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(3) In carrying out their powers under this section—

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

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

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

Charge for gas supplied by means of prepayment meters.

8.—(1) The Corporation may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the gas limits through any other kind of meter or by any other method of supply.

(2) The charge for the hire of any pre-payment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the pre-payment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

(3) The charge for the hire of any pre-payment meter without fittings shall be a sum of money calculated

according to the quantity of gas supplied through the pre-payment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

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(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Corporation in connection therewith.

(5) For the purpose of this section the expression "pre-payment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

9. 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 for the purposes of a stand-by supply only from the Corporation a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Supply of gas where consumer has a separate supply.

10. The Corporation may within the gas limits lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with the gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to lay pipes &c. for ancillary purposes.

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

11. The following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter referred to as "the railway company") shall unless otherwise agreed between the Corporation and the railway company be in force and have effect:—

(1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works which the Corporation are authorised to lay down repair or renew under the provisions of the section of this Act of which the marginal note is "Power to lay pipes &c. for ancillary purposes" upon across over under or in any way affecting the railways lands or property belonging to the railway company or used or occupied by them for the purposes of their undertaking or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence if the same be given and to the reasonable satisfaction of the principal engineer of the railway company according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Corporation. Provided that if the said engineer shall not express his disapproval of such plans within twenty-one days from the submission thereof he shall be deemed to have approved thereof:

(2) The Corporation shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation under the provisions of the said section and all the works matters and things aforesaid shall be constructed executed and done so as not to cause any injury to the railways bridges level crossings approaches viaducts stations works lands or property of the railway company or interruption to the passage or conduct of traffic over such railways or at any station thereon:

(3) If any such injury or interruption as aforesaid shall arise from or be in any way owing to any of

the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Corporation shall make compensation in respect thereof to the railway company :

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- (4) Any dispute or difference which may arise between the railway company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall failing agreement be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

12. The provisions of the section of this Act of which the marginal note is "For protection of London Midland and Scottish Railway Company" shall apply mutatis mutandis to the Leeds and Liverpool Canal Company so far as the same are applicable thereto.

For protection of Leeds and Liverpool Canal Company.

13.—(1) In any case in which the Corporation are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Corporation without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Corporation) and any person who shall re-connect such service pipe with the meter without the consent of the Corporation shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847 :

As to mode of cutting off supplies.

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

(2) For the purposes of this section the Corporation subject to the provisions of section 22 of the Gasworks Clauses Act 1871 shall have and may exercise the like powers of entry as are exerciseable under that section.

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Expenses of reconnecting discontinued supply.

14. In any case in which in consequence of any default on the part of the occupier of any premises the Corporation have 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 reconnecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

Power to refuse supply to persons in debt for other premises.

15. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas charges and meter rent due from him to the Corporation they may refuse to furnish to him a supply of gas until he pays the same.

Removal of fittings where gas supply discontinued.

16. The power to enter premises and remove pipes meters and fittings or apparatus conferred upon the Corporation by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the Corporation or to hire all or any of the pipes meters fittings or apparatus belonging to the Corporation.

As to construction and placing of pipes &c.

17. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

- (1) The Corporation may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes (with the fittings thereof) which are to be laid by the owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before giving such approval may refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to

have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry :

(2) (a) The Corporation shall publish once in the London Gazette and once in each of two newspapers circulating within the gas limits a notice of any application made by them to the Board of Trade for approval of any specification together with a copy of the proposed specification and an intimation in a form to be approved by the Board of Trade that any person affected by such proposed specification may make representations in writing to the Board of Trade within a period to be specified in the notice ;

(b) As soon as practicable after the Board of Trade have approved any specification the Corporation shall comply with any directions given to them by the Board of Trade as to the publication or service of copies of the specification as approved or of notice of the giving of such approval ;

(c) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the gas office of the Corporation and copies of every such specification shall be purchasable by any person at the said office at the price of sixpence for each copy :

(3) When any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Corporation accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used :

(4) The Corporation shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the

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notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification :

- (5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Corporation and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation or until the pipe or fittings as laid or placed has or have been inspected and approved by the Corporation whichever shall first happen :
- (6) Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipe or fittings is or are not according to the appropriate specification of the Corporation the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Corporation's main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Corporation the like notice and the Corporation shall have the like right of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :

Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Corporation for the meter or

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a separate meter-house such meter may be placed in such accommodation or meter-house instead of within the outside wall of the building :

(8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of the railway company—

(a) elsewhere than between the main of the Corporation and the meter ; or

(b) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over :

(9) In and for the purposes of this section the expression “ fittings ” includes only the joints angles and connections used in placing or laying pipes and the valves and cocks in connection therewith.

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

Power to compel repairs of piping or appliances &c. in dangerous condition.

(2) For the purposes of this section the Corporation shall subject to the provisions of section 21 (Power to enter buildings for ascertaining quantities of gas consumed) of the Gasworks Clauses Act 1871 have and may

A.D. 1926. — exercise the like powers of entry as are exerciseable under that section.

(3) Nothing in this section shall apply to any internal piping gas consuming appliance or fitting on the premises other than a dwelling-house of any railway company nor shall the powers of this section be exerciseable in respect of such premises.

Relief from obligation to supply.

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

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

(b) an increased supply of gas

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation. Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Corporation—

(i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or

(ii) to make such payment or payments to the Corporation (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Corporation may reasonably require

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution

towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Corporation may reasonably demand : A.D. 1926.

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

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

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant;
- (b) the capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and
- (c) how far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply.

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

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Attach-
ment of
brackets
&c. to
buildings.

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

(2) Provided that—

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

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

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

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

(4) Notwithstanding anything contained in this section no brackets pipes or attachments shall be attached to any bridge or building belonging to or forming part of

the railway or canal undertaking of a railway company without the previous consent in writing of that company or if in the opinion of an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers such consent is unreasonably withheld the consent of such engineer. A.D. 1926.

21.—(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. Anti-fluctuators to be used with gas engines.

(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 him with gas.

(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 inspect and replace the anti-fluctuator such taking off removing testing inspecting and replacing 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.

22.—(1) Every consumer of gas supplied by the Corporation who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Corporation (in this section referred to as "high-pressure air or other gas") shall if required to do so by the Corporation provide and fix in a suitable Provision of valve where high-pressure air or other gas is used.

A.D. 1926. — position and use an efficient valve or other appliance for preventing the admission of such high-pressure air or other gas into the service pipe or any main through which gas is supplied by the Corporation 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.

(2) It shall not be lawful for any consumer at any time after the passing of this Act to commence to use high-pressure air or other gas 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 consumer 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 or other gas 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 or other gas unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement or 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 passing of this Act are consumers of gas supplied by the Corporation) on the demand notes for gas charges payable to the Corporation issued next after that date; and

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

(6) The Corporation shall have access at all reasonable times to all premises supplied by them with gas in

or upon which high-pressure air or other gas is used or the Corporation have reason to believe that high-pressure air or other gas 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. A.D. 1926.

(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.

23.—(1) If any person is required by the Corporation to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is given by way of deposit the Corporation shall pay interest at the rate of not less than four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Corporation to pay interest on money deposited as security.

(2) The paragraph commencing "Second" in section 62 (Obligations on Commissioners as to supply) of the Act of 1871 is hereby repealed.

24. 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 like manner as gas charges are recoverable by the Corporation. Period of error in defective meters.

25. 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 Gas consumers to give notice to Corporation before removing.

A.D. 1926. — 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.

Notice to
discontinue
supply of
gas.

26. 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 the office of the Corporation.

As to
offices and
showrooms.

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

Corporation
may
contract
for supply
and pur-
chase in
bulk.

28. The Corporation may contract with any local authority company or persons for the supply by the Corporation to them or for the supply to the Corporation by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the gas limits.

PART III.

MARKETS.

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

29.—(1) Any animal brought to any cattle market of the Corporation at which animals intended for the food of man are in fact sold shall (unless the contrary be proved) be deemed to be deposited for the purpose of sale and intended for the food of man within the meaning

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of sections 116 to 119 (relating to unsound meat &c.) of the Public Health Act 1875 or of any enactment relating to the borough and the provisions of those sections and enactments shall respectively apply to any such animal. The provisions of the section of this Act of which the marginal note is "Extension of powers of veterinary inspector to section 116 of Public Health Act 1875" shall extend and apply accordingly.

(2) Any person knowingly causing directing or permitting any animal which is diseased or unsound or unwholesome or unfit for the food of man to be brought to any such market of the Corporation and any person (including any auctioneer) who offers for sale or sells any such animal knowing it to be diseased or unsound or unwholesome or unfit for the food of man as well as the persons mentioned in section 117 of the Public Health Act 1875 or in any such enactment (as the case may be) shall be liable to a penalty as mentioned in the said section 117 or in any such enactment (as the case may be).

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

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

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

PART IV.

COMMON LODGING-HOUSES.

31. No house or part of a house shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this Part of this

As to periods of letting as affecting

A.D. 1926. —
common
lodging-
houses. Act or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

Power to
refuse
registration.

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

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

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

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

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

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

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

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

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Further provisions as to registration of common lodging-houses.

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

34. Section 80 of the Public Health Act 1875 shall operate so as to include the making by the Corporation of byelaws as regards the maintenance in good condition and free from obstruction of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house and for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any byelaw applicable thereto and of a placard setting forth the cubicle contents and the accommodation thereof.

Byelaws as to common lodging-houses.

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

Procedure on death of common lodging-house keeper.

36. The Corporation forthwith after the passing of this Act shall give notice of the provisions of this Part of this Act to the keeper of every common lodging-house in the borough.

Public notice of Part IV of Act.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

37.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 (Power to prescribe improvement line for

Further powers as to future line of street.

A.D. 1926. widening streets) of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Building
line in
streets.

38.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define

A.D. 1926.

and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line unless within six weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

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

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

(5) In the event of the Corporation requiring as a condition for their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the

A.D. 1926. building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

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

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

Develop-
ment
scheme in
connection
with new
streets.

39.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

Appeal to
court of
summary
jurisdiction.

40.—(1) Any person deeming himself aggrieved by any requirement of or by the Corporation under either of the last two preceding sections of this Act may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

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

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

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

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Adjust-
ment of
boundaries
of estates.

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

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

Power to determine width of carriage-ways and footways.

42. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the borough repairable by the inhabitants at large. Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

Direction signs.

43.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the direction or the distance to towns railway stations public buildings and other places of a public character.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk and the court shall have

power to make such order as the court may think fit and to award costs. A.D. 1926.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

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

44.—(1) If the Corporation shall by resolution determine that any banner streamer sign or lettering suspended across or hung over any street for the purposes of advertisement or announcement is a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the borough they may by notice in writing require the owner or person responsible for the suspension or hanging of such banner streamer sign or lettering to remove the same within such period not being less than seven days as may be specified in the notice. Banners and signs over streets.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering

A.D. 1926. as is referred to in subsection (1) hereof which was in use on the fifteenth day of November nineteen hundred and twenty-five.

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

No building allowed until street defined.

45. Where plans and sections of a new street have been deposited with and approved by the Corporation no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for such person except with such consent to erect the building nearer to the centre of the street than such line.

Forecourts to be fenced off from streets.

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

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

Compensation for injuring lamps &c.

47. Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post or orderly bin or other receptacle for the collection and temporary deposit of street refuse and waste paper or the storage of sand grit or shingle shall

make full compensation to the Corporation for the damage done and the amount of such compensation to an amount not exceeding five pounds shall be recoverable summarily as a civil debt. A.D. 1926.

48.—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street in the borough any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing of the Corporation. As to pavement lights.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

(3) Any agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

49. The power of the Corporation to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine. For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street. Byelaws as to intersecting streets.

50.—(1) The owner or owners of any premises the water from which is carried away by any covered or uncovered drain or channel crossing the footpath in any street dedicated to the public use but not repairable by the inhabitants at large shall keep such drain or channel and all gullies traps grates and appurtenances thereto belonging unobstructed and in good repair and any person who after reasonable notice in writing from the Corporation shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners. Surface channels to be kept in good repair.

A.D. 1926.

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

As to
erection
of retaining
walls.

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

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

Adjust-
ment of
boundaries
of streets.

52.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month any four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal The advertisement in the newspaper shall include notice of this proviso.

A.D. 1926.

(3) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation as to an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section.

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

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

(6) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

53.—(1) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase-money or compensation coming to parties having limited interests or prevented from treating or not making title shall apply to any purchase-money or compensation payable under the provisions of this Part of this Act to any such party.

Application
of certain
provisions
of Lands
Clauses
Act.

(2) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the entry upon lands by the promoters of the undertaking (except section 92 of the said Act) shall apply with any necessary modifications to any lands which any person may hereafter lawfully be required to sell or exchange under or in pursuance of the foregoing provisions of this Part of this Act.

(3) For the purposes of this Part of this Act the expression "the promoters of the undertaking" where used in the said Act of 1845 shall be deemed to mean the Corporation.

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Erection of
buildings
to greater
height than
adjoining
buildings.

54.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the ridge or parapet of such last-mentioned building or the top of the flues and chimneys thereof whichever may be the higher.

(2) The owner of any building or other the person authorising the erection or raising of any building in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

As to
construction
of shops.

55.—(1) (a) Where any part of a building which is used or adapted to be used as a shop projects for a distance of seven feet or more beyond the main front of any building of which it forms part and in which any persons are employed or sleep the projecting portion of such shop shall be provided by the owner with a roof constructed of fire-resisting materials not less than five inches thick.

(b) It shall be lawful to construct or place in or upon the roof of the portion of any shop so projecting beyond the main front of the building as aforesaid lantern lights or ventilating cowls. Provided that no such lantern light or ventilating cowl shall be constructed or placed so that any part thereof will be at a less distance than six feet from the main front of the building from which the shop projects or within such distance as may be reasonable in the circumstances of the case from any other external or party wall. Provided also that the sides of such lantern light or ventilating cowl (except the side facing away from the main building) shall be carried up in fire-resisting materials for two feet above the roof in or upon which it is constructed or placed. Provided further that no part of any such lantern light or ventilating cowl shall project above the roof in or upon which the same is constructed or placed to a greater extent than five feet.

(2) The provisions of this section shall extend and apply as well to existing as to new buildings. In the

case of existing buildings the Corporation may if they think fit contribute towards the cost of any alterations which may be necessary to comply with the requirements of this section. A.D. 1926.

(3) The Corporation may in any case where it is reasonable so to do sanction subject to such conditions (if any) as the Corporation may impose in giving such sanction the exemption of any building from all or any of the provisions of this section. If in any case the Corporation refuse to give their sanction under the provisions of this section such refusal shall be deemed to be the withholding of a consent within the meaning of the section of this Act whereof the marginal note is "As to appeal."

(4) Any person who occupies or (being the owner thereof) permits to be occupied—

- (a) any new building that does not comply with the provisions of this section;
- (b) any existing building that does not so comply after the expiration of one calendar month's notice in writing requiring him to execute such works in connection therewith as may be necessary to cause such building to comply with such provisions;

shall (without prejudice to any other proceedings that may be taken against him) be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

56. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws with respect to the following matters (namely):—

- (a) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the commencement of this Act;

- (b) The uniting of buildings and the making and stopping up of openings in party walls of

Byelaws
as to
materials
and con-
struction of
buildings
&c.

A.D. 1926.

buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;

(c) The testing of drains of new buildings;

(d) For securing that waterclosets constructed after the making of such byelaws shall be protected from frost;

(e) For requiring the plans and sections deposited in pursuance of any provision in any local Act for the time being in force to be drawn on such materials and in such manner as may be prescribed in such byelaws.

Elevations
of new
buildings
fronting
street.

57.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary for the deposit by a person intending to construct a building in a street within the borough of drawings of the elevations of such building (in this section called "elevations").

(2) For the purpose of assisting the Corporation in the exercise of the power of approving or disapproving elevations hereinafter conferred a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted for the borough of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a Fellow of the Surveyors' Institution to be nominated by the President of the said institution and one member shall be a justice of the peace to be nominated by the council:

Provided that a member of the council shall be disqualified from being a member of the advisory committee.

(3) Subject as aforesaid the members of the advisory committee shall be appointed by the council and any vacancy occurring on the advisory committee shall be filled by the council on the nomination of the person or body by whom the member causing the vacancy was nominated. The Corporation shall pay the members of the advisory committee such reasonable fees and expenses as the Corporation think fit.

A.D. 1926.

(4) Where the elevations of any building proposed to be constructed in any street are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the delivery of the elevations—

- (a) approve the elevations; or
- (b) if they shall consider that having regard to the general character of the existing buildings in the street or of the buildings proposed therein to be erected the building to which the elevations relate would seriously disfigure the street whether by reason of the height of the building or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building is considered to be objectionable.

(5) The Corporation shall forthwith send notice in writing to the person by whom the elevations were deposited of their approval thereof or if the building is considered to be objectionable on any of the grounds mentioned in this section of the reference of the elevations to the advisory committee and the notice shall be accompanied by a statement of the objections to the building.

(6) (a) The person by whom the elevations were deposited shall be entitled to send to the advisory committee a statement of his answers to the objections of the Corporation and if he does so he shall at the same time send a copy thereof to the town clerk.

(b) The advisory committee may determine the reference in such manner as they in their discretion shall think fit and they shall within one month after the receipt of the reference decide whether in their opinion the elevations should be approved or disapproved and any such decision shall have effect as if it were an approval or disapproval (as the case may be) of the elevations by the Corporation and in the latter case shall contain a statement of the grounds on which the proposed building is considered to be objectionable.

A.D. 1926.

(7) Every such decision shall forthwith be reported to the Corporation and upon receipt thereof by the Corporation a copy shall forthwith be sent by the Corporation to the person by whom the elevations were deposited.

(8) In the event of a division of opinion among the members of the advisory committee upon reference to them the matter shall be decided by a majority of votes of the members of the committee but save as aforesaid the advisory committee shall act by their whole number.

(9) Where the elevations of a building have been disapproved under this section it shall not be lawful to erect the building until the elevations thereof have been approved by the Corporation and any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(10) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct. Where such costs or part thereof shall be payable to the person depositing the elevations they shall be recoverable by that person and where such costs or part thereof shall be payable to the Corporation they shall be recoverable by the Corporation and in both cases summarily as a civil debt.

(11) The provisions of this section shall not apply to a building (not being a dwelling-house) belonging to any person or body of persons authorised by virtue of any Act of Parliament or any Order having the force of an Act of Parliament to manufacture gas or to supply electricity or water or to navigate on or use any river canal dock or basin or to demand any tolls or dues in respect of such river canal dock or basin and used or intended to be used exclusively for such purposes under the provisions of such Act of Parliament or Order.

Byelaws
as to
alterations
to old
buildings.

58. The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission in respect of the alteration of such plans and sections as can be required in relation to the erection of a new building.

59. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section and as if the words "space about buildings" had been inserted therein before the words "drainage of buildings" in subsection (2) of that section.

A.D. 1926.

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As to area of habitable rooms and restriction of air space.

60. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws with respect to—

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

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

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

Food storage accommodation to be provided.

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

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

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

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

As to
hoardings
and similar
structures.

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

- (i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any local Act in force; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

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

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

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

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

63. The Corporation may by notice in writing require the owner of any hoarding to maintain the same in good order and condition and if any paper or other material affixed thereto for advertising purposes becomes detached forthwith to remove and clear away such paper or other material and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out the requirements thereof and recover from the owner any expense incurred by them in so doing.

As to
repair of
hoardings.

64. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws for securing that any new building shall not be constructed in such situation or manner as to impede the proper ventilation of any other building or to render any such other building or any part thereof unfit for human habitation or dangerous or injurious to health or to prevent necessary access to any such other building for purposes connected with the remedying of nuisances or the enforcing of any legal provisions relating to the public health.

Byelaws for
preventing
the con-
struction of
obstructive
buildings.

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

Restriction
on erection
of tem-
porary
stands &c.

A.D. 1926. structure and for securing the safety of persons to be accommodated thereon.

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

Means of
escape from
buildings
in case of
fire.

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

(2) The Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall

become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape.

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

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

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

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

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

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

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

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Act, 1926.

A.D. 1926

(10) Where an existing building is newly converted after the passing of this Act into flats it shall be deemed to be a new building within the meaning of this section.

Dilapidated
and
neglected
buildings.

67.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or to repair such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

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

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

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

(5) Section 127 (Buildings unfit for human habitation) of the Act of 1871 is hereby repealed.

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

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As to
dangerous
buildings.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the borough.

69.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

Sanitary
conve-
niences for
workmen
engaged on
buildings.

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

70.—(1) Section 36 (Power of local authority to enforce provision of privy accommodation for houses) of the Public Health Act 1875 shall apply to a part of a house occupied by a separate family as it applies to the whole of a house and that section shall with the necessary modifications apply accordingly.

Closet
accommoda-
tion in
houses
occupied by
more than
one family.

(2) The provisions of subsections (1) (2) and (3) of section 7 (Execution of works to comply with byelaws)

[Ch. lxxii.] *Chorley Corporation* [16 & 17 GEO. 5.]
Act, 1926.

A.D. 1926. of the Housing Act 1925 shall apply with any necessary modifications as if the same were set out in this section.

Combined drains.

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

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

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

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

As to houses connected with single

72.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or

other receptacle for drainage the Corporation shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

A.D. 1926.
—
private
drain.

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

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

73.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil pipe is stopped up or otherwise defective the medical officer shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier.

As to
defective
drains &c.

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

74. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not

As to
repair of
private
drains.

A.D. 1926. — exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit.

Exemption
for railway
and canal
companies.

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

Adjustment of boundaries of estates ;

Surface channels to be kept in good repair ;

As to repair of hoardings ; and

Dilapidated and neglected buildings ;

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

PART VI.

INFECTIOUS DISEASE AND SANITARY MATTERS.

Power to
close
Sunday
schools and
exclude
children
from enter-
tainments.

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

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

77.—(1) No person of or over the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with a view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

A.D. 1926.
—
Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

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

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

For preventing spread of infectious disease.

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

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

79.—(1) For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles whooping cough chicken pox ringworm and influenza as well as infectious disease as defined by the section of this Act of which the marginal note is "Interpretation."

Extended meaning of "infectious disease" for certain purposes.

A.D. 1926.

(2) For the purposes of section 126 of the Public Health Act 1875 as amended by section 62 of the Public Health Acts Amendment Act 1907 the expression "dangerous infectious disorder" includes infectious disease as defined by the section of this Act of which the marginal note is "Interpretation" and also (in the case of exposure in covered buildings or public conveyances) measles and whooping cough.

Corporation may supply antidotes against infectious disease.

80. The Corporation may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Power to compensate persons for ceasing employment to prevent spread of disease.

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

Penalty on withholding information from medical officer.

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

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

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

Dairyman to furnish lists of customers in certain cases.

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

after the rate of sixpence for every twenty-five names contained therein. A.D. 1926.

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

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

Names of laundrymen to be furnished.

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

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

Removal of body of person dying of infectious disease.

86.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any boat vessel tent van shed or similar structure used for human habitation) would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building

Disinfection in case of tuberculosis.

A.D. 1926. — that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fail to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

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

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

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

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

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(3) If any person sustains any damage by reason of the negligent exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

87. When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Corporation (who shall give to the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Corporation to cleanse and disinfect the dwelling-house and the Corporation may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary.

Cleansing
of dwelling-
houses in
certain
cases.

88. Section 90 of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):—

Byelaws
as to
lodging
houses.

- (1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof;
- (2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

89.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and section 44 of the Public Health Act 1925 and in the opinion of the Corporation

Discon-
tinuance of
offensive
trade.

[Ch. lxxij.] *Chorley Corporation* [16 & 17 GEO. 5.]
Act, 1926.

A.D. 1926. — it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade.

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

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

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Corporation as may be agreed between the Corporation and such person or as failing such agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

As to filthy premises.

90.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorized in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation is satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as

may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

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

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

Power to order alteration of chimneys.

92.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public Health (Buildings in Streets) Act 1888 to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

Provisions as to tents vans &c.

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

(3) Any person who offends against the provisions of subsection (2) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

93.—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the borough

Prohibition of tents vans &c.

A.D. 1926. — without the previous approval of the Corporation but this subsection shall not apply to a tent van shed or structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months.

(b) Any person aggrieved by the withholding by the Corporation of their approval of any land for the purposes mentioned in this subsection may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem meet. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(2) It shall not be lawful for any person to let or use any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

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

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

Byelaws as
to stables
&c.

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

As to
houses with-
out water
supply.

95.—(1) The owner of any dwelling-house erected after the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy or allow to be occupied such dwelling-house and the owner of any dwelling-house erected before the passing of this Act which is not provided with a proper and sufficient water supply within such

dwelling-house who shall occupy the same or allow the same to be occupied shall respectively be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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(2) Provided that—

- (a) The owner of any dwelling-house erected before the passing of this Act shall not be liable to the penalties provided by subsection (1) of this section unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house with a proper and sufficient water supply within such dwelling-house;
- (b) The Corporation shall repay to the owner of any such dwelling-house erected before the passing of this Act one-third of the amount reasonably expended by him in complying with the requirements of such notice (including the cost of providing and fixing any necessary sink and connection to the drain);
- (c) This section shall not apply to a dwelling-house erected before the passing of this Act which has no scullery or to any dwelling-house in respect of which a sewer or drain and a water main are not reasonably available.

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

Regulation
dustbins.

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

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

A.D. 1926.

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

Restriction
as to use of
dustbins.

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

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

As to
penalty
for smoke
nuisance.

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

Public
notice of
Part VI.
of Act.

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

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

PART VII.

HUMAN FOOD.

Further
powers in
relation to
unsound
meat.

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

Provided that nothing in this section shall authorise the inspection examination and search of any cart or

other vehicle belonging to a railway company and used by them for the purposes of their traffic or of any basket sack bag or parcel in the possession of such company as carriers thereof.

A.D. 1926.

101.—(1) The powers of entry and inspection conferred by subsection (5) of section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 shall in relation to the borough be extended so as to empower an officer making an inspection under the said subsection to take samples of any food found on the suspected premises making reasonable payment therefor and if it be intended to submit any sample to analysis he shall forthwith notify to the vendor of or merchant or dealer in such food or the agent of such person his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the public analyst.

Power to take samples of food for analysis.

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

102.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the borough omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

For regulating manufacture and sale of ice-cream &c.

(2) In the event of any person so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any

A.D. 1926. — of such premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed :

Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) The medical officer and the sanitary inspector and any other officer who is duly authorised by the Corporation in that behalf shall at all reasonable times have power to inspect any cart barrow or stand in or on which ice-cream or other similar commodity is offered for sale and the provisions as to inspection of section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 as extended by the immediately preceding section of this Act shall apply to any inspection made under the powers of this section.

Registration
of premises
used for
manufac-
ture &c.
of potted
meats and
ice-cream.

103.—(1) Any premises used or proposed to be used for—

- (a) the preparation or manufacture of potted or preserved meat fish or other food intended for the purposes of sale; or
- (b) the manufacture or sale of ice-cream

shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid or any of them unless the same are registered as aforesaid.

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

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop respecting which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given and shall not in any way affect the operation of that Act.

(4) This section shall not apply to any premises used as a hotel restaurant or club.

A.D. 1926.

Byelaws as
to meat.

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

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

(a) that any person bringing any meat (other than foreign meat or meat which has been inspected and passed as fit for the food of man by a medical officer of health or a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of the district in which the animal has been slaughtered) into the borough shall give to the medical officer or sanitary inspector reasonable notice thereof in writing and of the day and hour and place in the borough at which the meat can be inspected as aforesaid; and

(b) that if within such reasonable period after the notified hour as may with due regard to the requirements of the trade be prescribed by the byelaw an officer of the Corporation shall not have attended at the place so notified for the purpose of inspection the restriction in subsection (1) of this section referred to shall not apply to the meat in respect of which the notice was given.

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

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

A.D. 1926.

—
Power to
prohibit
persons in
advanced
stage of
tuber-
culosis
from
handling
&c. food.

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

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

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

As to street
vendors of
food.

107. Every dealer in any article intended for the food of man vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings.

Byelaws as
to vehicles
used for
food.

108. The Corporation may make byelaws with respect to the use for other purposes of vehicles used for the conveyance of food for man and may by such byelaws prohibit the use for other purposes of a vehicle so used :

Provided that before making any such byelaw applicable to the transport of any article by the London Midland and Scottish Railway Company or to or from any railway or depôt of such company or to any cart vehicle or receptacle belonging to such company the Corporation shall give not less than one month's notice

to such company of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and such company shall be entitled to make representations to the Minister of Health with regard thereto.

A.D. 1926.

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

Penalty on
original
vendor of
unsound
food.

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

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 or under any enactment relating to the borough and this section is dealt with by a justice the medical officer or the sanitary inspector

A.D. 1926. — shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Restriction
on taking
inedible
fats into
premises
where food
is pre-
pared.

110. Any person taking or introducing or causing to be taken or introduced any fats which are unfit for the food of man into any premises in which any food for man into the composition of which fat enters is manufactured or prepared for sale or into any premises directly or indirectly connected by a passage pipe or in any other way with any such premises (except so far as such passage pipe or other connection as the case may be is required or used for sanitary or other similar purposes and not in connection with the manufacture or preparation hereinbefore mentioned) shall for each offence be liable to a penalty not exceeding five pounds unless he can prove that such fats were not taken or introduced into such premises for the purpose of being used and have not been used as an ingredient in the manufacture or preparation of any food for man.

PART VIII.

HACKNEY CARRIAGES AND POLICE.

Provisions
as to motor
vehicles let
for hire.

111. The provisions of the Town Police Clauses Act 1847 and the byelaws of the Corporation in force with respect to hackney carriages except so much of such byelaws as relates to the fixing of fares shall apply to every horse-drawn or motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only Provided that this section shall not apply to any such vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of time or for journeys under special contract on special occasions or to an omnibus as defined in the Town Police Clauses Act 1889.

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

A.D. 1926.
—
Inspection
and certifi-
cation of
taximeters.

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

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

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

Byelaws
as to
hackney
carriages.

- (a) For the examination and inspection of hackney carriages at such times and places as may be prescribed in the byelaws;
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire;
- (c) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made.

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Power to
grant
occasional
licences.

114. An occasional licence for a hackney carriage omnibus or other public vehicle to ply for hire may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence.

Further
provisions
as to
hackney
carriages.

115.—(1) For the purposes of sections 51 to 61 (both inclusive) 63 and 65 to 67 (both inclusive) of the Town Police Clauses Act 1847 the whole of the borough and any area outside the borough but within five miles from the town hall shall be within the prescribed distance for hackney carriages duly licensed by the Corporation and hired within the borough.

(2) The power of the Corporation to make byelaws under section 68 of the Town Police Clauses Act 1847 shall be extended so as to enable them also to make byelaws thereunder with respect to hackney carriages duly licensed by the Corporation and hired within the borough when outside the borough but within five miles of the town hall of the borough.

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

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

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

Byelaws
as to non-
stopping-
places for
omnibuses.

116.—(1) The Corporation may from time to time make byelaws prescribing the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers or to load or unload goods in the public streets of the borough.

(2) For the purposes of this section "omnibus" has the same meaning as in the Town Police Clauses Act 1889.

117. It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on emergency to cause barricades to be erected across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

A.D. 1926.

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Power to stop traffic on occasions of emergency.

118. Every person who shall ride upon or cause himself to be carried or drawn by any vehicle without the consent of the owner or driver thereof shall be liable to a penalty not exceeding ten shillings.

Unauthorised riding upon vehicles.

119. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage or omnibus unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit.

Power to impose test on motor drivers.

120.—(1) All steam or waste gas ejected from any stationary engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public.

Ejection of steam and waste gas to annoyance of public.

(2) Any person who shall cause or permit steam or waste gas to be ejected or discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

121.—(1) Every person who uses a stationary internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall at all times at his own expense keep such silencer in proper repair.

Silencers for internal combustion engines.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the person aforesaid :

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Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to any railway company or canal company and used by them for the purposes of their undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Byelaws as to bicycles &c. on certain footpaths.

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

Notice of processions to be given.

123.—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the superintendent of police by leaving such notice at the central police station in the borough twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

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

Penalty for crying newspapers.

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

Byelaws as to leading or driving cattle.

125. The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of this section for prescribing the streets in which the hours

during which and the manner according to which animals may be led or driven along the streets of the borough Provided that the route or routes prescribed by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid Provided also that any such byelaw shall not prevent the owner of any animal driving the same to his own premises.

PART IX.

SALE OF COKE.

126.—(1) Where any coke sold or represented to be sold by weight and exceeding two hundredweight in quantity is delivered by means of any vehicle to a purchaser the seller of such coke shall deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before such load is discharged a ticket or note as nearly as may be according to the form in the third schedule to the Weights and Measures Act 1889 or according to a form to the like effect.

Weight
ticket or
note on
delivery of
coke over
two
hundred-
weight.

(2) If default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note or if the quantity of coke delivered is less than the quantity expressed in the ticket or note the seller thereof shall be liable to a penalty not exceeding five pounds.

(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or other officer appointed for the purpose by the Corporation he shall be liable to a penalty not exceeding five pounds.

(4) Any purchaser of coke in a quantity exceeding two hundredweight and any inspector of weights and measures or other officer appointed for the purpose by the Corporation may require that any coke sold as aforesaid or any vehicle used for the carriage of such coke

A.D. 1926. be weighed or re-weighed by any instrument stamped by
— an inspector of weights and measures :

Provided that—

(a) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation ; and

(b) Where any such coke or vehicle has at the instance of the purchaser been weighed or re-weighed in pursuance of this section and found to be of the weight stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing.

(5) If any person obstructs any weighing or re-weighing authorised by this section he shall be liable to a penalty not exceeding five pounds.

Regulating
sale of coke
under two
hundred-
weight.

127.—(1) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight shall sell the same or offer or expose the same for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight and any inspector of weights and measures or other officer appointed for the purpose by the Corporation may require that any coke sold offered or exposed for sale as aforesaid be weighed or re-weighed or measured or re-measured by any instrument of measure stamped by an inspector of weights and measures :

Provided that—

(a) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a

mile as may be prescribed in that behalf by the Corporation; and A.D. 1926.

(b) Where any such coke has at the instance of the purchaser been weighed or re-weighed or measured or re-measured in pursuance of this section and found to be of the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring.

(3) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in quantities not exceeding two hundredweight shall have the name and address of the seller of such coke conspicuously painted upon such vehicle.

(4) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale at any wharf yard or other place coke in any quantity not exceeding two hundredweight and not contained in sacks as required by subsection (1) of this section shall not deliver to the purchaser a less quantity of coke than is agreed to be sold.

(5) If the seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded or fails to comply with the other provisions of this section or obstructs any weighing or re-weighing or measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

128. Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this Part of this Act.

Proceedings
by inspector
of weights
and
measures.

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

Public
notice of
Part IX
of Act.

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PART X.

PUBLIC BUILDINGS CONCERTS &c.

Power to
provide
public
buildings
&c.

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

Provision
of concerts
entertain-
ments &c.

131.—(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts lectures entertainments athletic meetings exhibitions and amusements and for the sale of refreshments in any public buildings halls or rooms belonging to them or for the time being vested in them or under their control or hired for the purpose or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Corporation may let any such building belonging to them for the purpose of such concert lecture entertainment athletic meeting exhibition or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit Provided that nothing in this section contained shall enable the Corporation themselves to use any public hall pavilion bandstand assembly room or other public building erected under the powers of this Act for the purpose of the performance of stage plays by professional companies of performers or enable the Corporation themselves to carry on therein any performance in the nature of a variety entertainment or the business of a cinema theatre Provided also that any letting other than for a period of less than one month under this section of any building for the purpose of an entertainment shall be by tender and the Corporation shall secure the best rent reasonably obtainable.

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

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132. The Corporation may make byelaws for securing good and orderly conduct during any concert lecture entertainment exhibition or amusements provided or carried on in pursuance of the provisions of this Part of this Act and also for regulating the use of any lands purchased taken on lease or acquired by them under the provisions of section 69 (Provision of grounds for cricket football and other games) of the Public Health Act 1925 or set apart for the purposes of paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907.

Power to make byelaws regulating conduct at concerts &c.

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

Power to advertise entertainments.

134. All expenses incurred by the Corporation under the provisions of the sections of this Act of which the marginal notes are "Provision of concerts entertainments &c." and "Power to advertise entertainments" shall be paid out of the borough fund and borough rate and all moneys received by them thereunder shall be carried to the credit of the borough fund Provided always that the net amount of any payments or contributions made by the Corporation under the provisions of such sections or either of them after deducting any moneys received by them thereunder shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on property in the borough assessable in that year to the borough rate.

As to expenses.

135. The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations

Power to appoint officers.

A.D. 1926. — made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

PART XI.

LANDS.

Further powers for acquisition of lands.

136.—(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.

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

Retention and disposal of lands.

137.—(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 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 sale lease appropriation 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.

138.—(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

Proceeds
of sale of
surplus
lands.

A.D. 1926. — under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health.

(2) 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 XII.

RATING PROVISIONS.

Commence-
ment of
this Part of
Act. **139.** This Part of this Act shall come into operation on the first day of April one thousand nine hundred and twenty-seven.

Transfer to
Corporation
of powers of
vestry. **140.** On the commencement of this Part of this Act all and every right custom privilege or power other than in matters ecclesiastical and in relation to ecclesiastical charities within the meaning of the Local Government Act 1894 vested in or exerciseable by the parishioners ratepayers or inhabitants in vestry assembled of the parish shall cease to be so vested or exerciseable and every such right custom privilege or power shall for and within the parish be vested in and exerciseable by the Corporation.

Expenses to
be paid out
of borough
fund. **141.**—(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 general improvement fund the general improvement rate the highways fund the highways rate the general sewers fund and the general sewers rate or any of them shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the general improvement fund the general improvement rate the

A.D. 1926.

highways fund the highways rate the general sewers fund and the general sewers 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.

(2) The general improvement fund the highways fund and the general sewers fund shall be closed and any balance which at the commencement of this Part of this Act is standing to the credit or to the debit of the general improvement fund the general improvement rate the highways fund the highways rate the general sewers fund and the general sewers rate respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connection with the general improvement fund the general improvement rate the highways fund the highways rate the general sewers fund and the general sewers 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 Corporation may make and levy any borough rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

142. The contribution of the parish to the borough rate shall be paid out of the poor rate and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall apply to such contribution.

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

143. 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 "the general rate."

A.D. 1926.
—
Differential
general rate
in certain
cases.

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

(1) In respect of any period before the date of the first new valuation the owner of any tithes or any tithe commutation rentcharge or 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 value thereof but (subject as hereinafter provided) shall be liable to pay in each year only seventy per centum of the rate in the pound payable in respect of hereditaments not entitled to relief from rating:

(2) Notwithstanding anything in subsection (8) of section 2 or subsection (2) of section 69 of the Act of 1925. during the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall subject to the provisions of the Tithe Act 1925 have effect within the parish as if the following provision were substituted for section 1 thereof (that is to say):—

“The owner of tithe rentcharge attached to a benefice shall be liable to pay only—

(a) In respect of any period before the date of the first new valuation fifty-eight per centum of the amount payable under subsection (1) of the section of the Chorley Corporation Act 1926 of which the marginal note is ‘Differential general rate in certain cases’ in respect of any rate which is assessed on him as owner of that tithe rentcharge; and

(b) As from the date of the first new valuation fifty-eight per centum of the amount assessed upon him as owner of that tithe rentcharge in respect of any general rate (including any additional item thereof) made in accordance with the provisions of the Act

of 1925 and the remaining forty-two per centum thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue and deducted from the moneys payable to the local taxation account” : A.D. 1926.

(3) The Corporation shall for the purpose of the estimate to be made by the Minister 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 :

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

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

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

(c) The amount of the contribution for any purposes to be made by the parish out of the general 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 and county contributions which is required to be

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stated in the demand note for the poor rate; or

(e) Subject as hereinafter mentioned the operation of the Tithe Act 1925:

Provided that for the purposes of subsection (3) of section 7 and subsection (2) of section 14 of that Act this Act shall be deemed to be a local Act modifying the Tithe Rentcharge (Rates) Act 1899:

(5) (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 grounds 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.

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

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

Rating of and collection of rates by owners.

146. 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.

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

Inclusion of gas charges &c. with general rate.

148. 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.

Amendment of error in general rate.

149. 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.

Borough rate may include working balance.

150.—(1) 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.

Application of Act of 1925.

(2) For the purposes of paragraph (3) in column (1) of Part II. of the Second Schedule to the Act of 1925 this Act shall be deemed a local Act passed before the commencement of the Act of 1925 and for the purposes of paragraph (3b) in column (2) of the said Part 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 thirty per centum.

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(3) Paragraph (b) of subsection (3) and subsection (7) of section 2 and sections 5 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.

Repeal of
certain
rating
provisions.

151. The following provisions of the following Acts are hereby repealed (namely):—

THE ACT OF 1853.

- Section 106 (The sections of 10 & 11 Vict. c. 34 as to sewer rates drainage rates &c. incorporated);
Section 107 (Rates to be paid off in fifty years);
Section 108 (Lighting rate);
Section 109 (Highway rates);
Section 110 (Power to levy general improvement rate);
Section 111 (The sections of 10 & 11 Vict. c. 34 as to manner of making rates);
Section 112 (And as to appeal and recovery of rates incorporated);
Section 115 (Exemptions from rates);
Section 117 (Owners of property not exceeding £6 annual value to pay rates); and
Section 118 (Limit of amount of rates).

THE ACT OF 1871.

- Section 35 (As to exemptions from sewer rates);
Section 146 (Limit of amount of rates);
Section 149 (Regulation of general improvement fund).

PART XIII.

FINANCIAL PROVISIONS.

Power to
borrow.

152.—(1) The Corporation may independently of any other borrowing power borrow at interest the sum requisite for paying the costs charges and expenses of

this Act and they shall pay off all moneys so borrowed within the period of five years from the passing of this Act. A.D. 1926.
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(2) (a) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act.

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

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

(3) The provisions of this section prescribing the revenue fund or rate which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by the section of this Act the marginal note whereof is "Power to use one form of mortgage for all purposes."

153. The provisions of Articles XI. XIII. XIV. and XIX. of the Order of 1897 shall apply and have effect with respect to any moneys borrowed under and in pursuance of the powers of this Act as if they were with the necessary modifications re-enacted in this Act. Application of financial provisions of Order of 1897.

154.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of— Power to use sinking fund instead of borrowing.

(a) a loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

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(b) moneys borrowed and charged upon all revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(a) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(b) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(c) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Minister of Health with regard to the exercise of the powers contained in this section as that Minister shall require.

Power to
re-borrow.

155.—(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. A.D. 1926.

(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.

(5) Article XV. of the Order of 1897 is hereby repealed.

156. In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 the amount which the Corporation may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Corporation under those Acts. As to section 234 of Public Health Act 1875.

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Power to
use one
form of
mortgage
for all
purposes.

157.—(1) Where the Corporation have for the time being 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 Second 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.

(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) There shall be kept at the office of the town clerk a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the town clerk or other person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

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

(7) There shall be kept at the office of the town clerk 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.

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

(9) 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.

158.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or 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—

Consolida-
ted loans
fund.

- (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:

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A.D. 1926. 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 not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not be used or applied otherwise than as provided in this subsection.

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

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

Invest-
ment of
and pay-
ments into
sinking
funds.

159. When under the provisions of this Act or the former Acts or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund or loans

fund the following provisions shall have effect with respect thereto (that is to say) :— A.D. 1926.

(1) The Corporation may (in addition to any other powers for the time being vested in them) invest in statutory securities the yearly or other instalments paid to such fund and in the case of an accumulating sinking fund or loans fund the interest required to be accumulated in such fund :

(2) In the case of an accumulating sinking fund or loans fund such annual sums as are equivalent to interest on the amount from time to time in that fund at the rate per centum per annum on which the payments of the yearly or other instalments to that fund are based shall be paid to that fund and provided out of the borough fund and borough rate and all interest on the investments of the sinking fund or loans fund shall be carried by the Corporation to the credit of and shall form part of the borough fund.

160. 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 renewals contingent depreciation insurance or other similar 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

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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 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.

Power to
use sinking
funds or
reserve
funds
temporarily.

161.—(1) The Corporation may from time to time for the purpose of providing temporarily for any current expenses that may be incurred by them in the execution of any Act of Parliament or Provisional Order confirmed by or under any Act of Parliament utilise any sinking funds or reserve or depreciation funds which they may have in hand crediting the said sinking funds or reserve or depreciation funds with such fair rate of interest not being less than three per centum per annum as they may resolve. The amount of any sinking or reserve or depreciation funds which the Corporation may utilise for such purpose shall not aggregate at any time an amount equal to one-fourth of the aggregate amount of the before mentioned expenses for the immediately preceding financial year.

(2) All sums borrowed by the Corporation under this section in respect of the current expenses of any financial year shall be repaid out of the revenue received by the Corporation in respect of such year.

(3) When the Corporation borrow money under this section—

- (a) the accountant shall within forty-two days after the end of each financial year furnish to the

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Minister of Health a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Minister shall approve or require;

- (b) the Minister of Health may make such investigation as may be necessary to satisfy himself that the requirements of this section have been complied with and if it appear to the Minister of Health by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section that Minister may by order suspend the operation of the powers of this section for such period as he may think fit.

(4) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and twenty-seven unless they shall have been continued by Act of Parliament or by an order made by the Minister of Health which order that Minister is hereby empowered to make and in the event of his making any such order he is hereby empowered to make such modifications or amendments in the provisions of this section as may appear to him to be necessary.

162. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed under the section of this Act whereof the marginal note is "Power to use sinking funds or reserve funds temporarily") to which capital is properly applicable.

Application
of money
borrowed.

163. 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
Corpora-
tions Act
1882.

164. 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

Evidence
of transfer
or trans-
mission of
securities.

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under the Local Loans Act 1875 and except securities to which regulations made under section 52 (Issue of stock) of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Receipt in case of persons not sui juris.

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

Interest on mortgages held jointly.

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

Expenses of execution of Act.

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

Corporation not to regard trusts.

168. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register.

Protection of lender from inquiry.

169. A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provisions of any Act relating to the Corporation or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

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

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

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the town clerk or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk 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 appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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

171.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute

of a
to be appointed
Appointed
auditors.

A.D. 1926. — 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 Act 1882 Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as "the appointed auditor."

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

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

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

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

Apportionment of items.

172. 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.

As to mortgage of revenues of Corporation.

173.—(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.

(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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174. Notwithstanding the provisions of section 73 (Commissioners to keep separate account for gasworks) of the Act of 1871 the gas account which the Corporation are required to keep under the said section shall be made up and balanced annually up to the thirty-first day of March in each year instead of half-yearly as in the said section provided.

Annual accounts of gas undertaking.

175. The sum which the Corporation are in pursuance of the provisions of section 77 (Commissioners to establish a depreciation fund) of the Act of 1871 required to set apart from and out of any surplus moneys appearing upon each half-yearly balance of the gas account shall be set apart from and out of the surplus moneys appearing upon each yearly balance of the gas account as provided for under the immediately preceding section of this Act and in construing the said section 77 of the Act of 1871 there shall be substituted the words "one pound per centum" for the words "ten shillings per centum."

Amendment of section 77 of Act of 1871.

176. Notwithstanding the provisions of section 96 (Commencement and payment of annuities) of the Act of 1871 from and after the passing of this Act the gas annuities shall be payable to the persons entitled thereto by equal half-yearly payments on the first day of April and the first day of October in every year but the payment of each such annuity to be made on the first day of October one thousand nine hundred and twenty-six shall include such additional sum of money as shall represent the amount which shall have accrued due in respect of such annuity during the period extending from the first day of September one thousand nine hundred and twenty-six to the thirtieth day of September one thousand nine hundred and twenty-six.

Amendment of section 96 of Act of 1871.

177. The following sections of the following Acts are hereby repealed (namely):—

Repeal of certain financial provisions.

THE ACT OF 1853.

Section 119 (Power to borrow money on mortgage of the sewer rates);

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- Section 120 (Power to borrow money on mortgage of the general improvement rate and other property of the commissioners);
- Section 121 (Power to borrow money to pay off former mortgages);
- Section 122 (The sections of 10 & 11 Vict. c. 16 as to mortgages incorporated);
- Section 123 (Penalty for refusing inspection of register);
- Section 124 (Power to appoint receiver);
- Section 125 (The sections of 10 & 11 Vict. c. 16 as to accounts incorporated).

THE ACT OF 1871.

- Section 150 (Application of provisions of Act of 1853 with respect to money borrowed).

PART XIV.

MISCELLANEOUS.

Workmen's
compensation
fund.

178.—(1) The Corporation may if they think fit establish a fund (to be called "the compensation fund") to provide for payments by way of compensation for injury or accidents to persons employed by or paid by or through the Corporation.

(2) In each year after the establishing of such fund the Corporation may pay into the same such amount as the Corporation may from time to time determine until the fund amounts to ten thousand pounds when they shall discontinue such payments but so that if at any time or times the fund be reduced below that amount the Corporation may recommence the said payments and continue the same until the fund be restored to the said amount.

(3) The Corporation shall provide the yearly sums aforesaid by contributions from the revenues of the undertakings of the Corporation or from the respective funds which would be properly chargeable with the payment of compensation for injury or accidents to

persons in the employ of the Corporation and if in any case there shall be no revenue or fund so chargeable then by contributions from the borough fund and borough rate.

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(4) Resort may be had by the Corporation to the fund although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(5) Except so far as the fund and the proceeds of the sale of securities in which it is invested may be necessary to meet the payments thereout all moneys for the time being standing to the credit thereof shall be invested in statutory securities and accumulated at compound interest until the fund amounts to the said sum of ten thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds thereof shall be carried to the credit of such funds rates and revenues in such proportions as the Corporation may determine.

(6) If at any time it should be necessary for making any payment for any compensation to which this section relates to borrow money the Corporation may with the sanction of the Minister of Health borrow the necessary sum on the security of the revenues of the Corporation.

(7) Nothing in this section shall be deemed to limit the liability of the Corporation if in any year the claims for compensation exceed the sum contributed by them to the said fund.

179. The Corporation may if they think fit form a fund (to be called "the fidelity guarantee fund") to provide for making good any loss which they may sustain in consequence of the dishonesty of any person employed by or paid by or through the Corporation or the failure of any such person to perform faithfully the duties of his office and such fund shall be formed by annually appropriating thereto such sums as they from time to time deem expedient out of any revenues of the Corporation which are properly chargeable therewith and such fund and the interest thereon (except to the extent from time to time required to make good any such loss as aforesaid or to defray any expenditure in consequence thereof) shall be invested in statutory securities.

Fidelity
guarantee
fund.

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Education
accident
fund.

180. The Corporation may if they think fit form a fund (to be called "the education accident fund") to provide for meeting claims that may be made upon them as the local education authority for the borough in respect of any accident or injury occurring to any person employed by them or paid by or through them or to any child or person attending the schools in the borough and such fund shall be formed by annually appropriating thereto such sums out of the borough fund as the Corporation from time to time deem expedient and such fund and the interest thereon (except to the extent from time to time required to meet any such claims as aforesaid or to defray any expenditure in consequence of any such accident or injury) shall be invested in statutory securities.

Power to
manufacture
slabs &c.

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

Byelaws
as to
cemetery.

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

In executing
works in
default of
owner or
occupier no
liability for
damages to
be incurred
except in
case of
negligence.

183. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or any contractor or

other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly. A.D. 1926.

184. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Parts V. VI. or VII. of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. *Penalty on occupiers refusing execution of Act.*

185. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Parts V. VI. and VII. of this Act as if those purposes had been mentioned in the said section 102. *Power of entry.*

186. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act: *General provisions as to byelaws.*

Provided always that byelaws made under the powers of the section of this Act of which the marginal note is "Byelaws as to bicycles &c. on certain footpaths" shall be confirmed by the Secretary of State.

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Evidence
of appoint-
ments
authority
&c.

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

Authenti-
cation and
service of
notices &c.

188.—(1) Where any notice or demand under this Act or the former Acts or under any local Act or Order or any byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

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

As to
breach of
conditions
of consent
of Corpora-
tion.

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

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

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Consents of Corporation to be in writing.

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

Apportionment of expenses in case of joint owners.

192. The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Expenses may be declared private improvement expenses.

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

Damages and charges to be settled by court.

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

Recovery of demands.

195. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Parts IV. V. VI. VII.

As to appeal.

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A.D. 1926. — VIII. or IX. or this Part of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Several sums in one summons.

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

Service of summons on members of council.

197. 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.

Informations by whom to be laid.

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

Recovery of penalties &c.

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

Penalties to be paid over to accountant.

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

201. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

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—
Compensation how to be determined.

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

Powers of Act cumulative.

203. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Application of Arbitration Act 1889.

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

Saving for indictments &c.

205. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local Act Order byelaw or regulation for the time being in force in the borough as if the same were re-enacted therein.

Application of section 265 of Public Health Act 1875.

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

Judges not disqualified.

A.D. 1926.

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Inquiries
by Minister
of Health.

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

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

(3) Article XVIII. of the Order of 1897 is hereby repealed.

Crown
rights.

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

Costs of
Act.

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

The SCHEDULES referred to in the
foregoing Act.

A.D. 1926.

THE FIRST SCHEDULE.

LOCAL ACTS.

Session and Chapter.	Short Title.
16 & 17 Vict. c. clxxxi. ...	The Chorley Improvement Act 1853.
34 & 35 Vict. c. lxvi. ...	The Chorley Improvement Act 1871.

CONFIRMATION ACTS.

Session and Chapter.	Short Title.	Order thereby Confirmed.
53 & 54 Vict. c. clxxx.	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1890.	The Chorley Order 1890.
54 & 55 Vict. c. lxxix.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1891.	The Chorley Order 1891.
56 & 57 Vict. c. cxx.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1893.	{ The Chorley Order (No. 1) 1893. The Chorley Order (No. 2) 1893.
58 & 59 Vict. c. lxxxvii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1895.	
60 & 61 Vict. c. cxii.	Local Government Board's Provisional Orders Confirmation (No. 14) Act 1897.	The Chorley Order 1897.
7 Edw. 7 c. clv.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1907.	The Chorley Order 1907.
3 & 4 Geo. 5 c. xxiii.	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1913.	The Chorley Order 1913.

A.D. 1926.

THE SECOND SCHEDULE.

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

FORM OF MORTGAGE.

BOROUGH OF CHORLEY.

By virtue of the Chorley Corporation Act 1926 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Chorley (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ nineteen hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the town hall in the said borough [(subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ and _____ if six calendar months' notice in writing expiring on or before that date shall have been given by the Corporation to the mortgagee or by the mortgagee to the Corporation or (if not repaid on that date) the principal sum shall be repaid at any time after that date on the expiration of six calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by _____]:

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

such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein. A.D. 1926.

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

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this _____ day of _____ nineteen
hundred and _____

FORM OF TRANSFER OF MORTGAGE.

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

Dated this _____ day of _____
nineteen hundred and _____

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