



CHAPTER lxxxv.

An Act to provide for the transfer to the mayor aldermen and burgesses of the borough of Guildford from the Woking Water and Gas Company of a well and pumping station situate within that borough to authorise the Corporation to maintain and construct waterworks to confer further powers upon the Corporation in regard to their water and electricity undertakings and the health local government and improvement of the borough to provide for the consolidation of the rates of the borough and for other purposes. [4th August 1926.]

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WHEREAS the borough of Guildford in the county of Surrey is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act referred to as "the Corporation") who acting by the council of the borough are the urban sanitary authority for the district of the borough :

And whereas the Corporation are the owners of waterworks for supplying and are supplying water within the said borough and within certain districts in the immediate vicinity thereof under the provisions of the Public Health Act 1875 and provisions contained in the Guildford Corporation Act 1886 the Guildford (Extension) Order 1904 and the Guildford (Extension) Order 1922 :

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And whereas the supply of water from the present waterworks of the Corporation is inadequate to meet the present and growing demands of the inhabitants of the limits of the Corporation for the supply of water and in order to enable them to meet the increased demands for water within those limits the Corporation have constructed certain further waterworks which are referred to in this Act and it is expedient to sanction and confirm the construction of such waterworks :

And whereas it is expedient to empower the Corporation to make and maintain the additional waterworks authorised by this Act :

And whereas it is expedient subject to the terms and conditions contained in this Act to provide for the transfer to and vesting in the Corporation of a well and pumping station situate within the borough and belonging to the Woking Water and Gas Company together with the lands buildings works materials and plant connected with such well all of which are in this Act referred to as " the Dapdune well and pumping station " :

And whereas it is expedient to make further provision in regard to the water undertaking of the Corporation and the supply of water by them :

And whereas the Corporation are the owners of an electricity undertaking by means of which they supply electricity within the borough and certain places in the neighbourhood thereof and it is expedient to make further provision with regard to the electricity undertaking of the Corporation :

And whereas it is expedient to confer powers upon the Corporation with regard to the management of the lands known as " Stoke Park " in the borough and also to make further provision with regard to the maintenance and management of public baths parks recreation grounds and public buildings :

And whereas by the combined effect of an indenture made the ninth day of August nineteen hundred and twelve between Sir Harry Waechter of the one part and William Thomas Patrick and other persons therein named being aldermen and councillors of the borough of the other part (in the said indenture referred to as " the trustees ") an indenture made the fifth day of July nineteen hundred and twenty-one between the London and South Western

Railway Company of the one part and the said William Thomas Patrick and other persons therein named of the other part and an indenture made the eighth day of July nineteen hundred and twenty-one between Frederick George Williamson of the first part Arthur George Hutchins George Barron Holroyd and Alfred Moon of the second part and the said William Thomas Patrick and the other persons therein named of the third part the trustees for the time being of the said first named indenture are the owners of certain lands in the borough known as "the Sports Ground" upon the trusts in the said indenture mentioned and it is expedient to empower those trustees to convey the said Sports Ground to the Corporation and to empower the Corporation to accept such conveyance upon the trusts and subject to the terms covenants and stipulations in the said indenture mentioned :

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

And whereas it is expedient to provide for the consolidation of the rates levied in the area of the borough and to amend the law with regard to the making assessment and collection of rates therein :

And whereas it is expedient to make further provision with regard to the finances of the Corporation and the application of revenue derived from their several undertakings :

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

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

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

For the construction of the waterworks authorised by this Act	£
- - -	75,000
For new mains extensions of mains and other waterworks purposes	- - -
- - -	23,000

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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

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 Guildford Corporation Act 1926.

Division of Act into Parts.

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

Part I. Preliminary.

Part II. Transfer of Dapdune well and pumping station.

Part III. Lands and waterworks.

Part IV. Supply of water.

Part V. Electricity.

Part VI. Parks recreation grounds &c.

Part VII. Streets buildings sewers and drains.

Part VIII. Infectious disease and sanitary provisions.

Part IX.	Employment agencies.	A.D. 1926.
Part X.	Hackney carriages and police.	—
Part XI.	Rating provisions.	
Part XII.	Financial provisions.	
Part XIII.	Miscellaneous provisions.	

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

Incorporation
of Acts.

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

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

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

(2) The Waterworks Clauses Act 1847 except—

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

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) section 83 (with respect to the yearly receipts and expenditure of the undertakers):

(3) The Waterworks Clauses Act 1863; and

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act “the railway” means the waterworks authorised by this Act and “the centre of the railway” means the centre of such waterworks respectively.

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Interpre-
tation of
terms.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

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

“The borough” means the borough of Guildford;

“The council” means the council of the borough;

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

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

“The company” means the Woking Water and Gas Company;

“The Dapdune well and pumping station” means and includes the lands in the borough belonging or reputed to belong to the company and being enclosures 467 468 and 471 on the $\frac{1}{2500}$ Ordnance map of the borough (edition of 1916) sheet XXIII—16 as the same are shown upon the deposited plans together with the buildings well pumping station and other works and the materials and plant belonging to the company and situate in or under those lands or some part thereof;

“The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act; A.D. 1926.
- “ The water limits ” means the limits for the time being of the Corporation for the supply of water;
- “ Infectious disease ” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;
- “ Child ” means a person under the age of sixteen years;
- “ Sunday school ” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- “ Food ” has the meaning assigned to it by section 26 (Definition of “ food ”) of the Sale of Food and Drugs Act 1899;
- “ Daily penalty ” means a penalty for each day on which an offence is continued by a person after conviction;
- “ Hackney carriage ” has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus;
- “ The parish ” means the parish of Guildford;
- “ The poor rate ” means the poor rate for the parish;
- “ The Act of 1925 ” means the Rating and Valuation Act 1925;
- “ The date of the first new valuation ” means the date on which the first new valuation list made under Part II. of the Act of 1925 comes into operation;
- “ Statutory 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

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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;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament, passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

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

“The Act of 1886” means the Guildford Corporation Act 1886;

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

PART II.

TRANSFER OF DAPDUNE WELL AND PUMPING STATION.

Transfer of Dapdune well and pumping station and supply of water to company.

5.—(1) The Corporation may at any time and shall not later than the thirty-first day of December nineteen hundred and twenty-eight give to the company not less than two months' notice in writing expiring on the first day of any month that they are willing to afford to the company the priority supply of water referred to in this section and the date upon which such notice shall expire is in this Part of this Act called “the appointed day.”

(2) On the appointed day the Dapdune well and pumping station shall without payment or consideration therefor other than is in this section expressly provided by virtue of this Act be transferred to and vested in the Corporation freed and discharged from all mortgages debentures debenture stock charges debts and liabilities affecting the same. On such transfer all appropriate adjustments up to the appointed day shall be made between the Corporation and the company in respect of the Dapdune well and pumping station as are usual on the transfer of freehold property from a vendor to a purchaser and any balance which may be found due on such adjustments by the one to the other of them shall be paid over forthwith.

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(3) Notwithstanding the transfer of the Dapdune well and pumping station to the Corporation the company may repair maintain enlarge relay and renew all mains pipes works and apparatus of the company in the borough (not forming part of the Dapdune well and pumping station) or may lay substituted mains pipes works and apparatus in place thereof and may exercise any necessary rights or powers in that behalf subject to and in accordance with the provisions of the Waterworks Clauses Acts 1847 and 1863 so far as those provisions are applicable.

(4) (a) In consideration of the said transfer the Corporation shall subject to and in accordance with the provisions of this section supply to the company and the company shall take from the Corporation as from the appointed day such quantity of pure and wholesome water (in this section called "the priority supply") as the company may from time to time by notice in writing require.

(b) The priority supply shall not exceed a quantity of five hundred thousand gallons in any day of twenty-four hours or a quantity of thirty thousand gallons in any hour and the quantity of water to be taken or if not taken (otherwise than by reason of any failure of supply due to frost unusual drought or other unavoidable cause or accident or of any default or failure of the Corporation) to be paid for by the company as the priority supply shall not in any day of twenty-four hours except Sunday be less than four hundred thousand gallons and shall not on any Sunday be less than two hundred and fifty thousand gallons.

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(c) The priority supply shall have priority over any other supplies afforded by the Corporation.

(d) The price to be paid to the Corporation by the company in respect of the priority supply shall be at the rate of twopence and three farthings for each one thousand gallons.

(5) The priority supply shall be delivered at a point in front of the Joseph's Road pumping station of the Corporation (in this section called "the point of delivery") into the existing main of the company in Joseph's Road Guildford or (in the event of any main being substituted therefor) into such substituted main and shall be delivered throughout the twenty-four hours of any day at a pressure which shall be sufficient to raise all the water supplied to a height of four hundred and thirteen feet above ordnance datum :

Provided that notwithstanding anything contained in this section the Corporation shall only be under obligation to afford to the company the priority supply if and to the extent to which the said existing main or substituted main (as the case may be) is of a capacity sufficient to receive the same under the pressure specified in this subsection.

(6) The Corporation shall be under no obligation to afford the priority supply whenever and in so far as such supply is prevented by frost unusual drought or other cause which could not have been reasonably avoided by the Corporation or by some act or default of the company.

(7) For the purpose of delivering the supply of water to be afforded under the provisions of this section the Corporation shall provide and lay a suitable main in and from the said Joseph's Road pumping station of the Corporation and properly connect the same with the existing or substituted main of the company (as the case may be) at the point of delivery. The junction of the said two mains shall be of such character and in such position as shall be shown on and the work for effecting the same shall be carried out in accordance with plans sections and particulars to be submitted by the Corporation to the company and reasonably approved by the company or failing such approval determined by arbitration as hereinafter in this section provided before the work is commenced and shall be carried out to the

reasonable satisfaction and under the superintendence (if given) of the company. Provided that if the company fail to signify their approval or disapproval of such plans sections and particulars within fourteen days after the submission thereof to them by the Corporation they shall be deemed to have approved of the same. Provided also that if and whenever the company shall substitute a main for the existing main of the company in Joseph's Road after the said main to be laid by the Corporation has been connected to the existing main of the company in the said road the Corporation shall properly connect their said main with such substituted main and the reasonable cost of connecting the same shall be borne by the company and subject as aforesaid the provisions of this subsection shall apply to the junction of the main of the Corporation with the substituted main of the company.

(8) For the purpose of measuring the quantity and pressure of all water supplied by the Corporation to the company under the provisions of this section the Corporation shall provide and fix on their own land and in the said main to be provided by the Corporation as hereinbefore mentioned at a point thereon as near as is reasonably practicable to the point of delivery and maintain and whenever necessary repair and renew an efficient and suitable self-recording meter and self-recording pressure gauge (including all necessary or proper subsidiary apparatus in connection with such meter and gauge) and the Corporation shall at all times keep such meter and gauge and all such apparatus in proper condition and working order.

(9) Such meter and gauge and all such apparatus shall be the property of the Corporation but the recording apparatus connected with such meter and also the said gauge shall be enclosed and shall be and be kept inaccessible except by means of duplicate keys one of which shall be kept by the Corporation and the other by the company but shall be visible without the necessity of using such keys and the Corporation shall whenever requested so to do by the company afford to the company reasonable facilities for inspecting the said meter gauge and apparatus and the records thereof and taking copies of such records.

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(10) For the purpose of calculating any amount payable by the company to the Corporation for the supply of water afforded under the provisions of this section the quantity of water recorded by such meter as aforesaid as having been taken by the company in any period shall be deemed (except in the event of any manifest error or except as otherwise hereinafter provided) to be the quantity taken by them in that period.

(11) If at any time such meter shall cease to register correctly or shall be removed for the purpose of repair or renewal or for any other reason then (until the said meter shall be repaired so as to register correctly and replaced or renewed) the Corporation shall be entitled to charge and the company shall be liable to pay for a daily quantity of water equal to the average daily quantity of water for which the company shall have paid or ought to have paid in respect of the corresponding period of the preceding year.

(12) (a) The Corporation shall within seven days after each thirty-first day of March thirtieth day of June thirtieth day of September and thirty-first day of December occurring after the date on which a supply of water is first afforded by them to the company under the provisions of this section or so soon thereafter as is reasonably practicable make up and render to the company an account (in duplicate) showing the amount due to the Corporation from the company for the supply of water during the quarter or part thereof as the case may be immediately previous to such quarter day during which water shall have been supplied to the company by the Corporation.

(b) The company unless they dispute the accuracy of such account shall discharge the amount thereof within fourteen days from the receipt of such account. If the accuracy of any such account is disputed by the company they shall within the fourteen days following the delivery thereof pay to the Corporation a sum equal to the average of the quarterly accounts for the four quarters preceding the first day of the period to which such disputed account relates and failing agreement between the Corporation and the company the amount to be paid in respect of such disputed account shall be referred to and determined by arbitration as hereinafter in this section provided.

(13) If at any time after the expiration of a period of five years from the appointed day the Corporation or the company shall be of opinion that the cost of fuel or the rate or rates payable for labour shall have substantially varied from such cost rate or rates at the date of the passing of this Act the Corporation or the company may by not less than three months' notice in writing to the other of them expiring on the thirty-first day of March the thirtieth day of June the thirtieth day of September or the thirty-first day of December and subsequently from time to time by a similar notice expiring on the thirty-first day of March the thirtieth day of June the thirtieth day of September or the thirty-first day of December not being less than five years later than the expiration of any immediately preceding notice under this subsection requiring revision require a revision of the price payable by the company to the Corporation under subsection (4) of this section or of any price substituted therefor under the provisions of this subsection and thereupon as from the expiration of the notice (but subject to the provisions of this subsection as to subsequent revision of prices) the price to be paid by the company to the Corporation shall be such price as shall be agreed between the Corporation and the company or as failing such agreement shall be determined by arbitration as hereinafter in this section provided. On any such revision by arbitration the arbitrator shall revise any such price to such extent (if any) as in his opinion shall be necessary to meet such variation in cost and rate or rates or any of them as aforesaid and not otherwise.

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(14) Any question or difference which shall arise between the Corporation and the company under the provisions of this section shall be referred to and determined by a single arbitrator to be agreed upon between the Corporation and the company or failing such agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to any such reference.

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(15) The provisions of this section may from time to time be altered by agreement in writing between the Corporation and the company.

Additional
supply to
company.

6.—(1) In addition to affording to the company the priority supply referred to in the section of this Act of which the marginal note is "Transfer of Dapdune well and pumping station and supply of water to company" the Corporation shall at any time after the said priority supply shall first be afforded by the Corporation to the company supply to the company such further quantity of pure and wholesome water (in this section called "the additional supply") as the company may by not less than one month's notice in writing to the Corporation at any time or from time to time require and the company may at any time (but subject to the provisions of this section) by similar notice require any increase (but so that the maximum quantity specified in the next paragraph of this section is not exceeded) or reduction in the quantity for the time being supplied to them by the Corporation under this subsection.

(2) The additional supply shall not exceed a quantity of two hundred and fifty thousand gallons in any day of twenty-four hours or a quantity of fifteen thousand gallons in any hour and the quantity of water to be taken or if not taken paid for (otherwise than by reason of any failure of supply due to frost unusual drought or other unavoidable cause or accident or of any default or failure of the Corporation) by the company as the additional supply shall not in any day of twenty-four hours except Sunday be less than four-fifths of the quantity required by any such notice as is referred to in the last preceding subsection of this section and shall not on any Sunday be less than five-eighths of such quantity.

(3) The Corporation shall not be under any obligation to afford the additional supply to the company if after properly developing the available sources of supply of the Corporation the whole of the water obtainable by the Corporation therefrom is reasonably needed for meeting requirements for supplies of water within the water limits.

(4) The price to be paid to the Corporation by the company in respect of the additional supply shall be at the rate of fourpence and one half-penny for each one thousand gallons.

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(5) The provisions of subsections (5) (6) and (8) to (15) inclusive of the said section of which the marginal note is "Transfer of Dapdune well and pumping station and supply of water to company" shall so far as applicable extend and apply to the additional supply as if the additional supply were the priority supply referred to in that section.

(6) No part of the additional supply shall be used by the company or supplied by the company for use outside the catchment area of the Thames as such catchment area is defined by section 5 of the Thames Conservancy Act 1924.

7. Until the appointed day the company shall maintain and carry on the Dapdune well and pumping station as heretofore in the ordinary course of business but the company shall not without the previous consent of the Corporation under the hand of the town clerk make or enter into any new contract agreement liability or other obligation in respect of the Dapdune well and pumping station except such as shall be in the ordinary course of the maintenance and proper conduct thereof.

Exercise of powers until transfer.

8. For the protection of the company the following provisions shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

For protection of supplies at Dapdune well and pumping station.

- (1) (a) If at any time before the Corporation commence to afford to the company the priority supply mentioned in the section of this Act of which the marginal note is "Transfer of Dapdune well and pumping station and supply of water to company" the level of the water in the Dapdune well and pumping station shall be lowered to such a level that the existing pumps in the Dapdune well and pumping station (or any pump or pumps substituted therefor with the reasonable approval of the Corporation) cannot abstract water from that well by means of the existing suction pipe of the company (or any suction pipe substituted therefor with the like approval)

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as efficiently as the same could abstract such water immediately before such lowering (which level is in this section called "the suction level") and if the company shall allege that such lowering is caused by operations of the Corporation in connection with Work No. 1 authorised by Part III. of this Act the Corporation shall forthwith upon the written request of the company afford to the company a supply of such quantity of water as the company may require but not exceeding the amount of the said priority supply;

(b) The company shall afford to the Corporation and their officers at all reasonable times after the passing of this Act access to the Dapdune well and pumping station and facilities for ascertaining particulars thereof and the level of water therein :

- (2) If the Corporation shall dispute that any such lowering below the suction level at the Dapdune well and pumping station has been caused by the said operations of the Corporation the question in dispute shall be referred to and determined by arbitration as hereinafter provided :
- (3) If on any such reference the arbitrator shall determine that there has been a lowering below the suction level of water at the Dapdune well and pumping station by reason or in consequence of the said operations of the Corporation the company shall pay to the Corporation in respect of any supply of water afforded to them under the provisions of this section at such rate (if any) per thousand gallons as that the total cost to the company of obtaining their full supply shall be the same after as before the said lowering and such rate shall failing agreement be settled by arbitration as hereinafter in this section provided but if the arbitrator shall determine that no such lowering was caused by the said operations of the Corporation the company shall pay to the Corporation for all water supplied to the company by the Corporation under the provisions of this section such price

for each one thousand gallons as may be agreed or determined by arbitration under this section to be fair and proper under all the circumstances and the Corporation shall continue to afford such supply until the appointed day at such price for each one thousand gallons as may be agreed or determined by arbitration as aforesaid :

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(4) All supplies of water afforded by the Corporation to the company under the provisions of this section shall be delivered into the existing main of the company in Joseph's Road Guildford at a point in front of the Joseph's Road pumping station of the Corporation or in the event of any main being substituted therefor at the said point into such substituted main and shall be delivered and taken at an uniform rate of supply throughout the twenty-four hours of the day so far as practicable and at such pressure as may be from time to time reasonably required by the company but not exceeding a pressure which shall be sufficient to raise all the water supplied to a height of four hundred and thirteen feet above ordnance datum :

(5) The Corporation shall as soon as reasonably practicable after the passing of this Act provide and lay a suitable main to enable the Corporation to afford to the company the supplies provided for by this section and shall properly connect the same with the said main of the company at the said point in Joseph's Road. The junction of the said two mains shall be of such character and in such position as shall be shown on and the work for effecting the same shall be carried out in accordance with plans sections and particulars to be submitted by the Corporation to the company and reasonably approved by the company or failing such approval determined by arbitration as hereinafter in this section provided before the work is commenced and shall be carried out to the reasonable satisfaction and under the superintendence (if given) of the company. Provided that if the company fail to signify their approval or disapproval of such plans sections and particulars within fourteen

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days after the submission thereof to them by the Corporation they shall be deemed to have approved of the same :

- (6) The Corporation shall be under no obligation to afford a supply of water to the company under the provisions of this section whenever and in so far as such supply is prevented by frost unusual drought or other cause which could not have been reasonably avoided by the Corporation or by some act or default of the company or if it shall have been determined by arbitration as provided by subsection (2) of this section that any lowering below the suction level of water at the Dapdune well and pumping station was not caused by reason or in consequence of the said operations of the Corporation and the level of water at the said Work No. 1 shall also have been lowered otherwise than by reason or in consequence of such operations :
- (7) The Corporation may if they think fit in lieu of affording a supply of water under the provisions of this section deepen the suction pipe of the company hereinbefore referred to or make such other alterations in the Dapdune well and pumping station as will enable the company to obtain their full supply of water therefrom and the company shall give the Corporation access and every facility for exercising the powers conferred upon them by this subsection but the Corporation shall until any such deepening or other alterations shall be completed afford to the company a supply of such quantity of water as the company may require but not exceeding the amount of the said priority supply and the provisions of subsections (1) (b) (2) (3) and (4) of this section shall apply to any supply afforded by the Corporation under this subsection Provided that if the Corporation exercise such powers they shall repay to the company any increased cost reasonably incurred by them in operating the Dapdune well and pumping station which may be due to the exercise of such powers by the Corporation :

(8) Any question or difference which shall arise between the Corporation and the company under the provisions of this section shall be referred to and determined by a single arbitrator to be agreed upon between the Corporation and the company or failing such agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to any such reference.

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9.—(1) The company shall on the appointed day deliver to the Corporation all deeds agreements engineers' reports plans descriptions of works and pumping records which may be necessary for the management by the Corporation of the Dapdune well and pumping station but the company shall not be required to hand over the minute books of the directors of the company or any books and papers relating exclusively to the shareholders in and the constitution of the company.

Books records &c. to be handed over.

(2) The company and their solicitors and agents shall be entitled at all reasonable times to have access to and to take copies of all documents delivered to the Corporation under the provisions of subsection (1) of this section so far as the same may be necessary for the purposes of the company.

10. As from the appointed day the Woking Water and Gas Acts 1881 1885 and 1899 shall so far as those Acts relate to the Dapdune well and pumping station (with any necessary modifications) be read and have effect as if the Corporation had been therein named instead of the company and as from that date the company shall cease to exercise any powers or rights (except as in this Act expressly provided) with regard to the said well and pumping station.

Transfer to Corporation of certain powers of company.

11. As from the appointed day the Dapdune well and pumping station shall for all purposes be deemed part of the water undertaking of the Corporation.

Dapdune well and pumping station to form part of water undertaking.

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PART III.

LANDS AND WATERWORKS.

Acquisition
of lands.

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

Period for
compulsory
purchase
of lands.

13. The powers of the Corporation for the compulsory purchase of lands for the purposes of the works authorised by this Act shall cease after the expiration of three years from the passing of this Act.

Extinction
of private
rights of
way.

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

Compensa-
tion in case
of recently
acquired
interest.

15. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made, or for or in respect of any interest in the land created after the thirteenth day of November nineteen hundred and twenty-five if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Acquisition
of ease-
ments.

16.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of

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such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

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

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

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

17.—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of their water undertaking but (except with the consent of the Minister of Health) the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres and the Corporation may on all or any of such additional lands execute for the purposes of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

Power to purchase additional lands by agreement.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on

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any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Corporation.

Persons
under
disability
may grant
easements
&c.

18. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
retain sell
&c. lands.

19.—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time 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 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 effecting any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

(2) 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.

(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. A.D. 1926.

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

(2) Provided that—

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

21.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take the Corporation may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which the Corporation may hold and exercise powers for protection of waters. Power to hold lands and exercise powers for protection of waters.

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A.D. 1926. Corporation may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes :

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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

Reservation
of water
rights &c.
on sale.

22. The Corporation on selling any lands acquired by them in connection with their water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other

reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

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

Power to agree as to drainage of lands &c.

24. The construction by the Corporation of the well or borehole and pumping station situate on land belonging to the Corporation in the enclosure numbered 505 on the $\frac{1}{2500}$ Ordnance map of the borough (edition of 1916) sheets XXIII—12 and 16 is hereby sanctioned and confirmed and subject to the provisions of this Act the Corporation may maintain and from time to time repair alter renew enlarge extend or discontinue those works and may use and employ the same for the purpose of taking intercepting and impounding water and may continue to take intercept and impound any water which can be taken intercepted or impounded by those works.

Power to maintain certain works.

25.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described.

Power to make waterworks.

The said works will be situate in the county of Surrey and are:—

Work No. 1 A pumping station with wells boreholes pumps engine-houses tanks and other works situate in the borough in the enclosure

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numbered 505 on the $\frac{1}{2500}$ Ordnance map of the borough (edition of 1916) sheets XXIII—12 and XXIII—16;

Work No. 2 A conduit or line of pipes in the borough commencing at Work No. 1 and terminating in Work No. 3 hereinafter described;

Work No. 3 A covered service reservoir situate in the borough in enclosure numbered 392 on the said Ordnance map sheets XXIII—16 and XXXI—4;

Work No. 4 A conduit or line of pipes situate in the borough and in the parish of Artington commencing at the junction of Farnham Road with High Street in the borough and terminating in the said parish of Artington in Work No. 5 hereinafter described;

Work No. 5 A covered service reservoir situate in the said parish of Artington in enclosures numbered 141 and 137 on the $\frac{1}{2500}$ Ordnance map of the said parish (edition of 1916) sheet XXXI—3.

~~(a) The Corporation may upon lands acquired by~~ them for the purposes of or in connection with their water undertaking whether under the provisions of this or any other Act make and maintain all such works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks authorised by this Act or the existing or authorised waterworks of the Corporation or for inspecting maintaining repairing cleansing managing working or using the same :

Provided that—

(a) nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them;

(b) any electric apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General.

26. In the construction of the works authorised by this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate from the levels shown on the deposited sections to any extent :

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Limits of deviation.

Provided that no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown upon the deposited sections and five feet in addition thereto and that except for the purpose of crossing over a stream no part of the conduits or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown upon the deposited sections.

27.—(1) The Corporation during the execution of the works authorised by this Part of this Act may break up and also temporarily stop up and interfere with any street for the purpose of executing such powers and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same.

Temporary stoppage of streets.

(2) The Corporation shall provide reasonable access for foot passengers bonâ fide going to or returning from any such house.

(3) The Corporation shall at all times in exercising any of the powers conferred upon them by this section maintain a reasonably sufficient access both for vehicular and pedestrian traffic to and from the stations and depôts of the Southern Railway Company.

28.—(1) If the works authorised by this Act and delineated on the deposited plans are not completed within a period of ten years from the passing of this Act then on the expiration of that period the powers granted by this Act for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Period for completion of works.

(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the pumping station

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A.D. 1926. — (Work No. 1) make additional wells shafts bores adits headings machinery works and conveniences in connection with such pumping station and in the case of the conduits or lines of pipes authorised by this Act lay down additional lines of pipes as and when occasion may require.

Power to take waters. **29.** Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of their waterworks all such underground springs and waters as will or may be intercepted by the works authorised by this Act.

Application of Waterworks Clauses Act 1847. **30.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the conduits or lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may erect or lay down for the purposes of their water undertaking Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Limiting powers of Corporation to abstract water. **31.**—(1) The Corporation shall not construct any works for taking or intercepting water for supply from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

(2) For the purposes of this section the Dapdune well and pumping station and the existing waterworks of the Corporation shall be deemed to be works authorised by this Act and the lands which form part of the Dapdune well and pumping station and the lands upon which such existing waterworks are constructed shall be deemed to be specified in this Act.

Works to form part of water undertaking. **32.** Subject to the provisions of this Act the waterworks to be maintained and constructed under the authority of this Act shall for all purposes be deemed part of the water undertaking of the Corporation.

33.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir well adit conduit line of pipes or other work of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch. A.D. 1926.
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Discharge
of water
into
streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Act 1889.

(3) The powers of this section shall not be exercised so as to damage or affect the railways or works of the Southern Railway Company.

34.—(1) Subject to the provisions of the Water-works Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus. Meters in
streets to
measure
water or
detect
waste.

(2) Provided that the Corporation shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

35. For the protection of the Southern Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed in writing between the railway company and the Corporation have effect in relation to the exercise by the Corporation of the powers of this Part of this Act (that is to say):— For pro-
tection of
Southern
Railway
Company.

(1) In executing and also (except in case of emergency) in effecting renewals of any works

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under the powers of the sections of this Act whereof the marginal notes are "Power to make waterworks" and "Meters in streets to measure water or detect waste" upon across over under or in any way affecting the railways bridges roads and works of the railway company the Corporation shall execute such works in accordance with plans and sections previously submitted to and reasonably approved by the chief engineer of the railway company (in this section referred to as "the engineer") such works and repairs thereof shall be executed with all reasonable despatch and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer. Provided that if the engineer shall not express his approval or disapproval of the said plans and sections within fourteen days after the same shall have been submitted to him he shall be deemed to have approved thereof :

- (2) The Corporation shall restore and make good to the reasonable satisfaction of the engineer the roads over any bridges and approaches which the railway company are or may be liable to maintain and any of the works or property of the railway company which may be disturbed or interfered with by or owing to any operations of the Corporation and all works matters and things shall be constructed executed and done so as not to cause any injury to the railways bridges approaches works or property of the railway company or interruption of or interference with the passage or conduct of traffic on the railways of the railway company :
- (3) The Corporation shall bear and on demand pay to the railway company the reasonable costs (if any) of the superintendence by the engineer during the carrying out of the said works of the Corporation and the superintendence of the engineer (if given as aforesaid) shall not relieve the Corporation from any liability which would otherwise attach to them

for any accident which might be occasioned by the acts or defaults of their contractors agents or workmen in the execution of the said works : A.D. 1926.

- (4) The works of the Corporation where the same are constructed upon across over under or in any way affecting the railways bridges roads or works of the railway company shall be at all times maintained in reasonably good repair by the Corporation and in default of their being so maintained the railway company may from time to time by notice in writing signed by the engineer require the Corporation forthwith to put into good repair such works of the Corporation which may be in want of repair and if the Corporation for fourteen days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the railway company without any further notice to the Corporation may repair the same and all expenses incurred by them in or about such repair shall be repaid to them by the Corporation Provided that in case of accidents happening or immediate danger being reasonably apprehended to the railways of the railway company by reason of the works of the Corporation being in want of repair the railway company may without giving such notice as aforesaid make such repairs as may be immediately necessary and the expenses of the same shall on demand be repaid as hereinbefore provided Provided also that in exercising the powers of this subsection the railway company shall not except to such extent if any as may be absolutely necessary impede or interfere with any supply of water which is for the time being afforded by means of the works of the Corporation :
- (5) The Corporation shall from time to time pay to the railway company any additional expenses which the railway company may reasonably incur in effecting under their existing powers any repair renewal widening alteration or exten-

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sion of the railways bridges or works of the railway company by reason of the existence of the works authorised by this Part of this Act over the railways or property of the railway company :

- (6) The railway company may at any time or times hereafter upon giving to the Corporation not less than fourteen days' notice thereof in writing signed by the engineer require the Corporation to divert or alter the level of any conduit main pipe apparatus or other work of the Corporation where the same passes in over upon across or under or in any way affects the railways of the railway company if such diversion or alteration is reasonably necessary to admit of any repairs renewals widenings alterations or extensions of the railways of the railway company under their existing powers which they may think necessary without being liable to pay any compensation in respect thereof but the reasonable costs of any such diversion or alteration shall be borne and paid by the railway company Provided that in exercising the powers of this subsection the railway company shall not except to such extent if any as may be absolutely necessary impede or interfere with any supply of water which is for the time being afforded by means of the works of the Corporation :
- (7) Any dispute or difference which may arise between the Corporation and the railway company 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 or of this Part of this Act shall be settled by arbitration by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration,

PART IV.

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SUPPLY OF WATER.

36. As from the date upon which a supply of water is obtained by the Corporation from the Dapdune well and pumping station or from the works authorised by Part III. of this Act sufficient to enable the Corporation to afford a supply of water throughout the water limits and to fulfil the obligations imposed upon them by the sections of this Act the respective marginal notes whereof are "Transfer of Dapdune well and pumping station and supply of water to company" and "Additional supply to company" and in any event as from the expiration of a period of two years from the passing of this Act or of such extension of that period as the Minister of Health may on the application of the Corporation sanction the Corporation shall not supply water derived from their waterworks at Millmead for the purposes of domestic supply unless they shall comply with such conditions for securing the purity of the said water as the Minister of Health may from time to time impose.

Restrictions
on user of
works at
Millmead.

37. The Minister of Health may at any time on the application of the Corporation or of any local authority within the water limits review and if necessary revise by way either of increase or decrease the maximum rates and charges for the supply of water authorised by the Act of 1886 so that such revised rates and charges shall be sufficient in conjunction with the rates and charges in respect of the supply of water within the borough so far as can be estimated to enable the water undertaking to be carried on without loss. Provided that at any time after the expiration of three years from such review or any review under this proviso of the said rates and charges authorised as aforesaid the said Minister may on the like application similarly review and if necessary revise the said rates and charges for the time being in force.

Revision
of water
rates and
charges.

38. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one-tenth part of the expense of providing and laying down pipes

Amend-
ment of
section 35
of Water-
works

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Clauses Act
1847.

Guarantees
by district
councils.

mentioned in that section were one-eighth part of such expense.

39.—(1) Any rural district council in respect of the part of their district within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums of money at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any pipe or works for the supply of water within any part of such district which is within the water limits.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise any money which may become payable to the Corporation under this section in like manner as money may be raised under the provisions of any such general Act.

Rates
payable
by owners
of small
houses.

40.—(1) Where any premises supplied with water are let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year or where the rateable value of such premises is less than eight pounds the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner :

Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) Section 51 (Owners in certain cases liable to water rates) of the Act of 1886 is hereby repealed.

Supply of
water by
hose pipe
to stables
&c.

41. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Corporation

may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum (and where more motor cars than one are ordinarily kept a further sum not exceeding ten shillings per annum for each motor car beyond the first as the Corporation may prescribe) and any sum charged under the provisions of this section shall be paid quarterly in advance and be recoverable in the same manner as water rates. A.D. 1926.

42.—(1) The Corporation shall not be bound to supply with water otherwise than by measure (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse public institution hospital asylum (whether public or private) sanatorium club hotel public-house or inn or (c) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein or (d) any school not maintained by the local education authority. Supply of water to houses partly used for trade &c.

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

(3) The minimum quarterly charge for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same rateable value.

43.—(1) The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by meter either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates : Supply by meter.

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Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

(2) Section 41 (Water for other than domestic purposes) of the Act of 1886 is hereby repealed.

Price of supply by meter.

44. The price to be charged for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons.

Byelaws for preventing waste &c. of water.

45.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this Act referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation from the person on whose credit the water is supplied as the water rates in respect of the premises are recoverable.

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

46.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and

subject to the conditions of sections 48 to 52 (relating to pipes to be laid by the inhabitants) of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. A.D. 1926.
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(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made.

47.—(1) If by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property or to the health of any person it shall be lawful for the Corporation by and under the direction of their duly authorised officer to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier. Power to Corporation to repair communication pipes.

(2) Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given notice to the occupier of such house or premises and in any case where the communication pipe is repairable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter.

48. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks Main-tenance of common pipe.

[Ch. lxxxv.] *Guildford Corporation* [16 & 17 GEO. 5.]
Act, 1926.

A.D. 1926. — engineer of the Corporation or other officer duly authorised in that behalf by the Corporation.

Power to sell meters. **49.** The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Register of meter to be prima facie evidence. **50.**—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation.

(2) Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Injuring meters &c. **51.**—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of

the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable.

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(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

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

Interference
with valves
&c.

PART V.

ELECTRICITY.

53.—(1) The Corporation may if they think fit purchase provide sell let for hire and fix set up alter repair and remove and otherwise deal in (but not manufacture) lamps electric lines electric motors fittings apparatus and things for generating transforming distributing and utilising electricity (in this section referred to as "electric fittings") and may provide all materials and do all work necessary or proper in that behalf and may require and take such remuneration in money

Power to
supply
electricity
fittings &c.

[Ch. lxxxv.] *Guildford Corporation* [16 & 17 GEO. 5.]
Act, 1926.

A.D. 1926.

or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such fittings and for securing (both as regards the consumer and third parties) their safety and return to the Corporation as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

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

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

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

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

(5) Provided as follows :—

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

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

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—

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

(6) If the Corporation commence proceedings for the summary recovery of a sum due for a supply of electricity any other sum due or payable to the Corporation in respect of the sale or hire of any such fittings or the provision of materials and work in connection therewith as are referred to in this section or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable under this section does not exceed twenty pounds.

54. The Corporation may in connection with and for the purposes of their electricity 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 consumption of electricity and give demonstrations of the uses to which electricity can be put and may appoint and pay persons for the purposes aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of electricity and may do all such other acts as they may deem expedient to assist develop or promote the use of electricity.

Offices and
showrooms.

55. The Corporation may upon the application of the owner or occupier of any premises within their area for the supply of electricity abutting on or being erected in any street laid out or made and whether dedicated to the public use or not supply such premises

Power to
lay electric
mains in
private
streets.

[Ch. lxxxv.] *Guildford Corporation* [16 & 17 GEO. 5.]
Act, 1926.

A.D. 1926. with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the Guildford Corporation Electricity Special Order 1921 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof and to any works constructed or executed by the Corporation under the provisions of this section :

Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Power to
construct
electrical
sub-stations
under
streets.

56. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1922 and the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking of the Corporation and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient Provided that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions 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 :

Provided also that the Corporation shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway or under any bridge carrying a railway over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the railway company concerned but such consent shall not be unreasonably withheld or (b) so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

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

Use for lighting purposes of electricity supplied for power.

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

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

(2) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

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Provisions
as to
supply of
electricity
by agree-
ment.

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

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

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

Maximum
power
which may
be de-
manded.

59.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of energy taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order

to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882. A.D. 1926.

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

60. The Corporation may make byelaws for the purpose of preventing fire in any building or premises supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 (Regulations to be inserted in licences &c.) of the Electric Lighting Act 1882 shall apply to any byelaws made under this section. Byelaws as to apparatus and fittings.

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

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

62.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 or from exercising the powers contained in Entry upon premises Penalty for obstruction.

[Ch. lxxxv.] *Guildford Corporation* [16 & 17 GEO. 5.]
Act, 1926.

A.D. 1926. — that section shall be liable to a penalty not exceeding forty shillings.

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

Power to recover charge for re-connection.

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

Notice to discontinue supply of electricity.

64.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless (a) it be in writing signed by or on behalf of the consumer and (b) it be left with or sent by post to the electrical engineer of the Corporation or given by the consumer personally at the office of the said electrical engineer.

(2) Notice of the effect of this section shall be endorsed upon every demand note for charges for electricity.

Receipts and expenses.

65.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

PART VI.

A.D. 1926.

PARKS RECREATION GROUNDS &C.

66.—(1) In this section “Stoke Park” means the lands in the borough purchased by the Corporation on the thirty-first day of December nineteen hundred and twenty-five which lands are shown upon the plan signed in triplicate by Sir Thomas Robinson the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one of which has been deposited in the Parliament Office of the House of Lords the second in the Private Bill Office of the House of Commons and the third with the town clerk.

Powers as
to Stoke
Park.

(2) The Corporation may hold use manage and control Stoke Park subject and in accordance with the powers and provisions set forth in this Act.

(3) The Corporation shall have the control and management of Stoke Park together with all buildings now existing or hereafter erected thereon and they may exercise the following powers (that is to say):—

(a) They may improve and extend the park and buildings and lay out form fence construct and maintain grounds for games sports entertainments recreation and other purposes and also gardens roads footpaths ways walks fences plantations and ornamental lakes and may plant trees and shrubs for the purpose of shelter or ornament and erect and provide buildings enclosures pavilions stands lavatories kiosks and seats and provide or arrange for the provision of refreshments in any such buildings enclosures pavilions stands or kiosks;

(b) They may from time to time let for such term not exceeding twenty-one years and subject to such covenants and conditions as they think fit any part or parts of Stoke Park for games or for purposes of recreation;

(c) They may from time to time let for a period not exceeding five years any rights exclusive or otherwise of selling and supplying refreshments to the public resorting to and using any portion

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- of Stoke Park and may permit the erection for those purposes of such buildings and the enclosure and provision of such space and accommodation as may be requisite or necessary for adequate and proper catering;
- (d) They may set apart and appropriate any portion of Stoke Park for such purposes of public utility instruction or benefit for such periods and on such terms and conditions as they may think fit;
- (e) They may in any portion or portions of Stoke Park lay out and maintain a golf course bowling greens cricket hockey and football grounds lawn tennis courts and croquet lawns and grounds for other games and recreation and provide the necessary apparatus for the use of the same and may do all such acts and employ such persons as may be required for that purpose and may make such reasonable charges for the use of such golf course bowling greens cricket hockey and football grounds lawn tennis courts and croquet lawns and grounds for other games and recreation and the apparatus in connection therewith respectively as they may from time to time prescribe and may make and enforce byelaws with respect thereto and for regulating the use thereof respectively and the conduct of persons using the same or resorting thereto;
- (f) They may appoint pay and remove officers servants and workmen to perform any services in connection with Stoke Park;
- (g) They may grant the use of the whole or any part of Stoke Park either gratuitously or for payment to any public charity or institution or for any agricultural horticultural or other show;
- (h) They may from time to time with the consent of the Minister of Health appropriate all or any portion of Stoke Park for any purpose for which the Corporation whether as a municipal education or sanitary authority or otherwise are now or may hereafter be authorised by statute to acquire and hold lands.
- (4) (a) The Corporation may temporarily and from time to time allow the use of any part or parts of Stoke

Park for the purposes of a public walk pleasure ground public park or recreation ground within the meaning of the Public Health Acts for such period or periods as they may think fit and at the expiration of such temporary user the Corporation shall have and may exercise over and in respect of the said part or parts of Stoke Park the same powers as they had and might exercise prior to such user.

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(b) Provided that during such period or periods the Corporation shall exhibit and keep exhibited at each gate or entrance to the said part or parts of Stoke Park a notice specifying the period during which the same is to be used for the purposes of a public walk pleasure ground public park or recreation ground and a printed copy of the byelaws made by the Corporation under section 164 (Urban authority may provide places of public recreation) of the Public Health Act 1875.

(c) Subject to the provisions of this section the provisions contained in any general or local Act for the time being in force in the borough relating to parks recreation grounds and pleasure grounds shall extend and apply to any part of Stoke Park which is for the time being appropriated for the purposes referred to in paragraph (a) of this subsection and notwithstanding anything contained in the Public Health Act 1875 or any other Act proceedings for the recovery of any penalty under any of those provisions or under any byelaws made thereunder may be taken by the Corporation or by any officer of the Corporation duly authorised in that behalf.

67.—(1) The trustees for the time being of the indenture made the ninth day of August nineteen hundred and twelve between Sir Harry Waechter of the one part and William Thomas Patrick James Baker Leonard Ashby Ellis Clayton Turner Lane Henry Brand Alfred Morris Johnson Frederic Ferdinand Smallpeice Charles William Boyce John Alfred Christopher George William Franks Walter Froome Edward Gibson William George Heath Harry Shepard Higlett Emilius Hughes Harvey Mansbridge Lunn Henry Nevill Henry Fentum Phillips George Smee Odling-Smee Henry Edward Smith Albert Ernest Steer William Sidney Tavener William Triggs Stevenson Turner and Frederick William Westlake of the other part may convey to the Corporation all their estate right and interest in the lands referred to in the said

As to transfer to Corporation of sports ground.

A.D. 1926. — indenture and known as "the sports ground" and the Corporation may accept or take from such trustees a conveyance of those lands.

(2) As from the date upon which the sports ground is conveyed to the Corporation under the provisions of this section the Corporation shall hold the sports ground upon and subject to the trusts and conditions of the said indenture so far as the same are applicable.

(3) As from the said date the Corporation may maintain the sports ground and (subject to the provisions of subsection (2) of this section) exercise in regard thereto all or any of the powers conferred upon them by the Public Health Act 1925 in regard to lands acquired by them for games and recreations.

Power to
provide
public
buildings
&c.

68. The Corporation may provide or acquire 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 cloak-rooms 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 enter-
tainments
and letting
of buildings.

69.—(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions performances and amusements and for the sale of programmes and refreshments in any public buildings halls or rooms belonging to them and may make such reasonable charges as they may think fit for admission thereto and the Corporation may let any such premises as aforesaid for the purposes of such concerts entertainments exhibitions performances 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 or upon the like terms and conditions they may lease any such premises for any term not exceeding twenty-one years :

Provided that any letting other than for a period of less than one month under this section of any building for the purpose of an entertainment shall be by tender and the Corporation shall secure the best rent reasonably obtainable. A.D. 1926.

(2) 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.

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

(4) The net amount of any payments or expenses made and incurred by the Corporation under the provisions of this section after deducting any moneys received by them under the provisions of this section shall not in any 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.

70. The Corporation may for the purposes of paragraphs (d) and (e) of subsection (1) of section 76 (Powers as to parks and pleasure gardens) of the Public Health Acts Amendment Act 1907 pay or contribute towards the cost of providing and maintaining in the borough and in newspapers published in the borough advertisements of any concerts entertainments or performances given in pursuance of the said subsections and any such expenses shall be deemed to be expenses within the meaning of subsection (3) of the said section 76. Advertising of band performances.

71. Any moneys received by the Corporation under the provisions of this Part of this Act shall be carried to the credit of the borough fund and the expenses incurred by them in the exercise of the powers contained therein shall be paid out of the same fund. Receipts and expenses.

A.D. 1926.

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS.

Develop-
ment
scheme
may be
required in
connection
with new
streets.

72.—(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.

(3) If after the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans and particulars as approved and if any such owner shall offend against the provisions of this section he shall be liable to a penalty of not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The said owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(5) (a) Any person deeming himself aggrieved by any requirement of or by the Corporation under this

section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein 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.

A.D. 1926.

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

(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

73.—(1) 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 or any fence nearer to the centre of the street than such line.

No building allowed until street defined.

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

74.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new streets to be constructed are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective

Adjustment of boundaries.

[Ch. lxxxv.] *Guildford Corporation* [16 & 17 GEO. 5.]
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A.D. 1926. — persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister of Health and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement may be determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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

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

(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.

75. The Corporation may (a) erect or fix police telephone call boxes in such positions in any street road or public place within the borough as they think fit (b) with the consent of the road authority and with the consent and at the cost of the local authority (which cost the local authority are hereby authorised to incur) erect or fix street fire alarms in such positions as may be agreed in any street road or public place in the district of any local authority with whom the Corporation have entered into an agreement for the use of their fire brigade. Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

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Police
telephone
call boxes
and fire
alarms.

76. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

Fire plugs.

77.—(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—

Hoardings
and similar
structures.

- (i) beyond any building line prescribed by the Corporation under the provisions of any Act; 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 expenses incurred by them in so doing from the offender.

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

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

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing 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 moveable 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.

Repair of
hoardings.

78. The Corporation may by notice in writing require the owner of any hoarding to maintain the same and any advertising matter thereon in good order and condition and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily from the owner any expense incurred by them in so doing.

Restriction
on erection
of tempo-
rary stands
&c.

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

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

(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.

80.—(1) The Corporation may with the consent of the owner of any building wall or bridge attach to that structure such brackets wires lamps and apparatus as may be required for lighting any street :

Attachment
of brackets
and wires to
buildings.

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 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 in the circumstances or to disallow the same and to 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 structure but any attachments fixed under the provisions of this section shall not be required to 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 the first proviso to this section ;
- (c) the owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

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(2) For the purposes of this section any occupier of a structure 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.

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

81. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws with respect to the following matters (namely) :—

(1) 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 passing of this Act :

(2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united :

(3) The testing of drains of new buildings :

(4) For securing that water-closets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost.

Further
amendment
of section
157 of
Public
Health Act
1875.

82.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be altered and construed as if the following sub-paragraphs were added immediately after the sub-paragraph numbered (4) in the said section :—

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

(6) For securing the adequate lighting of buildings.

(2) The said section 157 shall also in its application to the borough be read and have effect as if it empowered the Corporation to require by byelaws the deposit of plans and sections by persons intending to construct any drain in connection with a building. A.D. 1926.
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83.—(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 top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher. Erection of buildings to greater height than adjoining building.

(2) 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.

84.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of 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. Erection of retaining walls.

(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 forty shillings and to a daily penalty not exceeding twenty shillings.

85. The power given by subsection (4) of section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) 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 of such plans Byelaws as to alterations of buildings.

A.D. 1926. — and sections as can be required in relation to the erection of a new building.

Construc-
tion of
shops.

86.—(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.

(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 of which the marginal note is "As to appeals."

(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 ;

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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.

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

Closet accommodation 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) of the Housing Act 1925 shall apply with any necessary modifications as if the same were set out in this section.

88. The Corporation may make byelaws for preventing the improper use of water-closets and the blocking of the pipes therefrom.

Byelaws as to water-closets.

89.—(1) Every building erected after the passing of this Act exceeding 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 boarding 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 the case of fire for the persons dwelling sleeping or employed in each upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

Means of escape from buildings in case of fire.

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(2) (a) From and after the first day of July nineteen hundred and twenty-seven 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 boarding 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 the opinion of the Corporation such building is not provided with proper and sufficient means of escape from each upper storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey 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.

(b) Any person 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' 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 award costs.

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

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

(4) 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 requirements of the Corporation under this section.

(5) The means of escape in case of fire provided in any building in pursuance of this section shall be main-

tained in good and efficient condition and free from obstruction. A.D. 1926.

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

(7) 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.

90.—(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 to take down or repair or rebuild such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise 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.

Removal
of dilapi-
dated and
neglected
buildings.

(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

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structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Dangerous buildings.

91.—(1) In the case of any building which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or to persons working therein 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 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 enter upon such building and examine and inspect the same.

(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.

Food storage accommodation to be provided.

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

(2) (a) Every dwelling-house the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with a sufficient and properly ventilated pantry or other 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 person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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

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

93.—(1) Where by reason of any improvement made by the Corporation any land shall become land which adjoins or abuts on any street the following provisions shall apply :—

Elevation of buildings erected on front lands to require approval.

- (i) All buildings or additions to buildings which may be erected on that land shall be erected in accordance with elevations approved by the Corporation ;
- (ii) If the owner lessee or occupier of any such land shall construct—
 - (a) any door or entrance communicating with that street ; or
 - (b) any wall or fence by the side of that street ;he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation ;
- (iii) If the Corporation within six weeks after any plan or elevation shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the plan or elevation.

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

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

Area of habitable rooms.

94. Section 23 (Extension of 38 and 39 Vict. c. 55 s. 157 (a)) 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.

Sanitary conveniences for workmen engaged on buildings.

95.—(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.

(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.

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

96. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to—

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

Powers on inspection.

97. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder or contractor for such building or works

free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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98.—(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 owner or 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.

Combined drains.

(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 petty sessional court provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof On any such appeal the petty sessional court may and is hereby empowered to

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A.D. 1926. — 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 petty sessional court may direct.

Houses
connected
with single
private
drain.

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

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

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

Defective
drains &c.

100.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain water-closet or soil pipe is stopped up or otherwise defective the medical officer or sanitary inspector 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 in a summary manner as a civil debt.

(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 under the circumstances of the case.

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101. 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 exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain 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.

Repair of
private
drains.

102.—(1) If a water-closet drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

Improper
construction
or repair of
water-closet
or drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

103. If any person cause any drain water-closet earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping

Wilful
damage to
drains
water-
closets &c.

A.D. 1926. — up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Saving for
Southern
Railway
Company.

104. The provisions of the sections of this Part of this Act of which the marginal notes are—

- Attachment of brackets and wires to buildings;
- Byelaws as to materials and construction of buildings &c.;
- Erection of buildings to greater height than adjoining building;
- Erection of retaining walls;
- Byelaws as to alterations of buildings;
- Elevation of buildings erected on front lands to require approval;
- Powers on inspection;
- Defective drains &c.;
- Repair of private drains;

shall not 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 the Southern Railway Company in the exercise of their statutory powers or to any land held or acquired or which may hereafter be held or acquired by such company with the authority of Parliament so long as any such building railway work or land is used or held by such company primarily for railway purposes.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

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

105.—(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. A.D. 1926.
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(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.

106.—(1) No person over the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any 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. Restriction
on attend-
ance 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.

107. Any parent or other person liable to maintain a child in attendance at a school (including a Sunday school) who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings : Special
provisions
to prevent
spread of
infectious
diseases.

Provided that in any proceedings 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

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A.D. 1926. require that the person by whom the certificate has been signed shall be called as a witness.

Extended meaning of "infectious disease" for certain purposes.

108.—(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 of terms."

(2) For the purposes of section 126 (Penalty on exposure of infected persons and things) of the Public Health Act 1875 as amended by section 62 (Amendment of s. 126 of 38 & 39 Vict. c. 55) 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 of terms" and also (in the case of exposure in covered buildings or public conveyances) measles and whooping cough.

Compensation to persons ceasing employment.

109. 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.

Filthy premises.

110.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation are 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.

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

111.—(1) 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.

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—
Penalty on withholding information from medical officer.

(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.

112. 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 Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Persons to furnish names of laundrymen to whom clothes &c. from infected houses sent.

113. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household in such a manner as to be likely to spread the infectious disease he shall be liable to a penalty not exceeding forty shillings.

Prohibition on infected person carrying on business.

114. When any person suffering from infectious disease shall die of such disease 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 any such body by railway or other public

Removal of body of person dying of infectious disease.

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A.D. 1926. — 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.

Houses
without
water
supply.

115.—(1) The owner of any dwelling-house or tenement in the borough which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house or tenement was erected before the passing of this Act and such supply is not available :

Provided that the owner of any dwelling-house erected before the passing of this Act shall not be liable to the penalties provided by 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.

(2) Section 62 (Local authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words " or the medical officer of health " were inserted therein after the words " the surveyor."

Restriction
on taking
inedible
fats into
premises
where food
is prepared.

116. Any person taking or introducing or causing to be taken or introduced any fats which are unfit for food into any premises in which food into the composition of which fat enters is manufactured or prepared for sale or into any premises directly or indirectly connected by a passage or 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 food. A.D. 1926. —

117.—(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 for every such offence to a penalty not exceeding forty shillings. For regulating manufacture and sale of ice-cream &c.

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

(3) Every vendor of or dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow vehicle

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or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

(5) Section 79 (For regulating manufacture and sale of ice-cream &c.) of the Surrey County Council Act 1925 shall cease to be in force or have effect in the borough.

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

118.—(1) Any premises used or proposed to be used for the preparation or manufacture of potted pressed pickled or preserved meat fish or other food intended for the purposes of sale 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 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 of 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 or shall 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.

Byelaws
as to
transport
of food.

119. The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of food.

As to
inspection
of premises
used for
storage of
food.

120.—(1) On any inspection carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities

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

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(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.

121.—(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 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 said medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

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

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

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(4) This section shall not apply to milk to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

Penalty on
original
vendor of
unsound
food.

122.—(1) Where it is shown that any animal or article liable to be seized under section 116 (Power of medical officer of health to inspect meat &c.) of the Public Health Act 1875 (as extended by section 28 (Extension of 38 & 39 Vict. c. 55 ss. 116–119) of the Public Health Acts Amendment Act 1890) and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food 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 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

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

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

or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

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123. Sections 116 to 118 (relating to unsound meat &c.) 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 food and the provisions of such sections shall apply accordingly.

Further powers in relation to unsound meat.

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

Prohibition of blowing or inflating carcasses.

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

Medical practitioners to notify cases of food poisoning.

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

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

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

Agreements
as to
slaughter-
houses.

Power to
close
slaughter-
houses if
injurious
to public
health.

126. Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

127. At any time after the passing of this Act the Corporation may:—

(a) acquire by agreement any premises within the borough used for the purpose of slaughtering animals intended for food (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee or occupier of such premises;

(b) agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

128.—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements in regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(c) Provided also that any such owner or occupier may within one month after receiving any such notice

in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interest of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister of Health by that Minister and unless and until that Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question. A.D. 1926.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

129.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ash-pits or ash-tubs 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 receptacle pursuant to this section shall maintain the same in good order and condition.

(3) Provided that the foregoing provisions of this section shall not apply to any ash-tubs 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.

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(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin ash-tub or ash-pit 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.

(5) 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 obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

PART IX.

EMPLOYMENT AGENCIES.

Definition
of employ-
ment
agency.

130. In this Part of this Act the expression "employment agency" means any agency or registry in the borough carried on or represented as being or intended to be carried on (whether for the purpose of gain or reward or not) for or in connection with the employment of persons in any capacity Provided that the following shall not be deemed to be employment agencies within the meaning of this Act:—

- (a) Any employment agency conducted by or under the direction and supervision of the Ministry of Labour under the Labour Exchanges Act 1909 or any other Act of Parliament; or
- (b) Any employment agency which is carried on exclusively for the purpose of obtaining employment for (i) persons formerly members of His Majesty's Naval Military or Air Forces or (ii) persons released from a prison or Borstal Institution or from a reformatory or industrial school and which is certified at the date when this Part of this Act shall come into force and from time to time thereafter by the

Admiralty or the Army Council or the Air Council or the Secretary of State for the Home Department (as the case may be) to be properly conducted; or

- (c) Any employment agency conducted by a central body or distress committee under the Unemployed Workmen Act 1905.

131. This Part of this Act shall come into force on the first day of January nineteen hundred and twenty-seven or such later date as the Corporation may by resolution passed within three months after the passing of this Act prescribe. The date on which this Part of this Act shall so come into force is hereinafter referred to as "the prescribed date."

132. From and after the prescribed date no person shall carry on an employment agency without a licence from the Corporation authorising him so to do.

133.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Corporation and shall in the application state:—

- (a) His full name;
- (b) His age and nationality;
- (c) His private address or if the application is made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the persons directly or indirectly responsible for the management of such company society association or body;
- (d) The name under which and the address at which the employment agency is carried on or proposed to be carried on;
- (e) The nature of the employment agency;
- (f) Whether and if so to what extent he is interested in any other employment agency; and
- (g) Such further information (if any) as the Corporation may reasonably require with respect to the person or premises to be licensed.

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(2) Every application for a licence to carry on an employment agency in existence at the passing of this Act shall be made within one month after the date or (if more than one) the latest date of publication of the advertisements giving public notice of the effect of this Part of this Act under the section of this Act of which the marginal note is "Notice of Part IX."

(3) Subject to the foregoing provisions of this section the Corporation may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

Corporation
to grant
licence.

134.—(1) The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act (and not later in the case of an application under subsection (2) of the last preceding section of this Act than the prescribed date) grant or renew a licence to the applicant to carry on an employment agency of the description and in the name and at the address specified in the application. Provided that the Corporation may refuse to grant or renew a licence or may revoke a licence granted—

- (i) To any person under the age of twenty-one years; or
- (ii) To any person who may be an unsuitable person to hold such licence; or
- (iii) In respect of any premises which are unsuitable for the purposes of an employment agency; or
- (iv) In respect of any employment agency which has been or is being improperly conducted.

(2) The Corporation shall not refuse to renew or shall not revoke any such licence unless they shall have given to the person applying for such renewal or holding the licence proposed to be revoked not less than seven days' previous notice in writing that objections have been or will be taken to such renewal or that a revocation is proposed and unless on written application made within three days after the receipt of such notice they shall have afforded to the applicant an opportunity of being heard against such refusal or revocation.

(3) Any person making application under the last preceding section of this Act shall when making the same pay to the Corporation in respect of the grant or renewal of a licence as aforesaid such fee as the Corporation may fix not exceeding—

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	£	s.	d.
(a) In respect of the grant of a licence -	2	2	0
(b) In respect of the renewal of a licence	1	1	0

(4) Every such licence shall (unless revoked) be valid for a period of one year except that a licence granted or renewed otherwise than at any annual meeting fixed by the Corporation for the purpose of considering applications under this Part of this Act shall only be valid until the first day of December next after the date of such grant or renewal.

(5) If the Corporation refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(6) Any person aggrieved by such refusal or revocation may appeal to a court of summary jurisdiction Provided that the appeal is made within fourteen days from the date of such refusal or revocation and that notice in writing of the appeal is sent to the Corporation within twenty-four hours after the entry of the appeal.

(7) Any person deeming himself aggrieved by any decision of a court of summary jurisdiction under this section may appeal therefrom to the next practicable court of quarter sessions holden in or for the borough.

(8) On any such appeal the court may after considering any representations made by the Corporation either confirm the refusal or revocation or allow the appeal and may direct the Corporation to grant or renew a licence and the Corporation shall comply with any such direction.

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

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Byelaws
as to
employ-
ment
agencies.

135.—(1) The Corporation may make byelaws requiring any person holding a licence under this Part of this Act to keep (at his option) either books cards or forms showing the business conducted by him so far as it relates to his employment agency and prescribing entries to be made in connection with such business in such books or on such cards or forms (as the case may be) and for the prevention of fraud and immorality in the conduct of employment agencies and for regulating any premises used for the purposes of or in connection with such agencies.

(2) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the Corporation) in the premises to which the licence relates a copy of the byelaws made by the Corporation under this section.

Powers of
entry and
inspection
by Cor-
poration.

136. Any officer of or other person duly authorised by the Corporation in that behalf may (i) enter the premises specified in any licence or application under this Part of this Act or any premises which are used or which such person has reasonable cause to believe are used for the purposes of or in connection with an employment agency and (ii) inspect such premises and the books cards or forms kept in connection with the employment agency carried on at those premises.

Penalties.

137.—(1) Every person who after the prescribed date—

(i) carries on within the borough an employment agency without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such a licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give any particulars which are required by this Part of this Act to be given; or

(ii) refuses to permit any officer or person duly authorised by the Corporation to enter or inspect any such premises as are referred to in the section of this Act of which the marginal note is "Powers of entry and inspection by Corporation" or the books cards or forms kept in connection with the

employment agency carried on therein or obstructs any such officer or person in the execution of this Part of this Act; or

- (iii) acts in contravention of any byelaw made under this Part of this Act or of any of the provisions of this Part of this Act for the contravention of which no penalty is by this section specifically provided;

shall (subject to the provisions of subsection (3) of this section) be liable in respect of an offence under paragraph (i) of this section to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of an offence under paragraph (ii) or paragraph (iii) of this section to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and in respect of any conviction for an offence under this Part of this Act the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

(2) Any person aggrieved by any order under this section may appeal therefrom to the next practicable court of quarter sessions holden in or for the borough.

(3) No person who shall have appealed to a court of summary jurisdiction or a court of quarter sessions in accordance with the provisions of this Part of this Act against a refusal by the Corporation to grant a licence to any person making application under subsection (2) of the section of this Act of which the marginal note is "Applications for licences" or to renew a licence or against any revocation under this section of a licence shall be liable to any proceedings under this section for the offence of carrying on an employment agency without a licence under this Part of this Act until such appeal shall have been heard and determined or shall have been abandoned.

138. Where any company registered under the Companies Acts 1862 to 1907 or under the Companies Acts 1908 to 1917 or any Act amending those Acts commits any offence for which a penalty is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers of such company as well as or instead of against the company and each such director and

Directors of companies to be liable for penalties under Part IX.

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manager shall be liable on conviction to the like penalty as if he or they were the person or persons committing the offence unless he proves to the satisfaction of the court—

- (1) that the act which constituted the offence took place without his knowledge consent or connivance; and
- (2) that he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

Notice of
Part IX.

139. The Corporation shall prior to the prescribed date cause public notice to be given of the effect of this Part of this Act and of the date when it will come into force.

Part V.
of Surrey
County
Council
Act 1925
not to
apply.

140. As from the prescribed date Part V. (Employment agencies) of the Surrey County Council Act 1925 except section 71 of that Act shall cease to be in force or have effect in the borough.

PART X.

HACKNEY CARRIAGES AND POLICE.

Provisions
as to
motor
vehicles
let for
hire.

141. The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions 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 hire or for journeys under special contract or to an omnibus as defined in the Town Police Clauses Act 1889.

Power to
impose
test on
motor
drivers.

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

143.—(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.

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Inspection
and certi-
fication 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.

144. Every person who shall on Sundays in any street or public place 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.

Penalty for
crying
newspapers.

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

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

PART XI.

RATING PROVISIONS.

146. This Part of this Act shall come into operation on the thirty-first day of March nineteen hundred and twenty-seven and that date is hereinafter referred to as “the commencement of this Part of this Act.”

Commence-
ment of
this Part
of Act.

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Transfer
to Corpo-
ration of
powers
of vestry.

147. 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.

All expenses
of Corpo-
ration to
be paid
out of
borough
rate.

148.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund and general district rate or either 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 district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate.

(2) The district 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 district fund or the general district rate respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connection with the district fund or of the general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed 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.

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149. The contribution of the parish to the borough rate shall be paid out of the poor rate to be made for the parish 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.

150. 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."

151. 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 nineteen hundred and twenty-seven and shall have effect in substitution for the provisions contained in sections 3 and 4 of the Poor Rate Assessment and Collection Act 1869 and paragraph (a) of subsection (1) of section 211 of the Public Health Act 1875 and as from the said date all resolutions agreements and notices then in force under any such provisions as aforesaid shall cease to have effect.

Rating of and collection of rates by owners.

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

Differential rate in certain cases.

(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 shall be liable to pay in each year sixty-two and one half per centum only of the rate payable in respect of hereditaments not entitled to relief from rating :

(2) Notwithstanding anything contained in subsection (8) of section 2 or subsection (2) of section 69 of the Act of 1925 during the

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continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall subject to the provisions of the Tithe Act 1925 have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say) :—

“ The owner of tithe rentcharge attached to a benefice shall be liable to pay only (a) in respect of any period before the date of the first new valuation sixty per centum of the amount payable under subsection (1) of the section of the Guildford Corporation Act 1926 of which the marginal note is ‘ Differential 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 sixty 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 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 ” :

(3) The Corporation shall for the purpose of the estimate to be made by the Minister of Health under section 3 of the Agricultural Rates Act 1923 prepare and transmit to him before the commencement of this Part of this Act 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

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(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 which is required to be 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.

153.—(1) If any occupier referred to in subsection (1) of the section of this Act of which the marginal note is "Differential rate in certain cases" claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions for the borough 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.

Appeals.

(2) On appeals under this section the court to which such appeal shall be made shall have power to

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Water rate &c. may be collected with general rate.

154.—(1) Any water rate or charge for electricity payable to the Corporation may be collected together with the general rate and the same books may be used for the said charges and rates.

(2) 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 water rates or charges for electricity shall be in such form as the Minister of Health may from time to time prescribe.

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

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

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

Borough rate may include working balance.

155. 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.

156.—(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 subsection (1) of section 10 and section 69 of the Act of 1925.

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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-seven and one-half per centum.

(3) Paragraph (b) of subsection (3) and subsection (7) of section 2 and sections 5 8 55 and 59 of the Act of 1925 shall be deemed to be incorporated with and to form part of this Part of this Act and the said section 59 shall extend not only to demand notes for the general rate but also to demand notes for any charges for the supply of water 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.

(4) 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 nineteen 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.

PART XII.

FINANCIAL PROVISIONS.

157.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment

Power to
borrow.

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A.D. 1926. — of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period of Repayment.
(a) The purchase of lands and easements for the waterworks authorised by this Act.	The sum requisite. £	Sixty years from the date or dates of borrowing.
(b) The construction of the waterworks authorised by this Act.	75,000	Forty-five years from the date or dates of borrowing.
(c) New mains extensions of mains and other waterworks purposes.	23,000	Thirty-five years from the date or dates of borrowing.
(d) The costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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

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

- (i) for the purpose of the electricity undertaking with the consent of the Electricity Commissioners;
- (ii) for the purpose of the borough fund and borough rate and any undertaking of the Corporation other than the electricity undertaking with the consent of the Minister of Health.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is

borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby. A.D. 1926.

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

158. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts. Certain provisions of Public Health Acts not to apply.

159. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) and section 16 (Annual return as to sinking fund) of that Act. Mode of raising money.

160. Subject to the provisions of the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend to and apply to mortgages granted under this Act (that is to say)— Provisions of Public Health Act 1875 as to mortgages to apply.

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

161. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking Mode of payment off of money borrowed.

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A.D. 1926. — fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Sinking
fund.

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

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

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

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

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

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

produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based. A.D. 1926.

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

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

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

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

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

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

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

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

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

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

Power to
re-borrow.

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

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

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

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of

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

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(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.

164. 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.

165.—(1) Where the Corporation have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

Power to use one form of mortgage for all purposes.

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

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

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power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

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

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

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

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

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

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

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

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

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

166.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March nineteen hundred and twenty-six 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:—

Consoli-
dated loans
fund.

- (a) All moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and

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

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

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

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

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

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

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

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

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance

with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund. A.D. 1926.

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

Investment of and payments into sinking fund.

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

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

168. 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 depreciation contingent 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:

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Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the 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 reborrowing of sums raised "under the statutory borrowing power shall apply accordingly.

Power to
use sinking
funds or
reserve
funds
temporarily.

169.—(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 funds which they may have in hand crediting the said sinking funds or reserve 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 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. A.D. 1926.

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

(a) the town clerk shall within forty-two days after the end of each financial year furnish to the 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 nineteen hundred and twenty-six 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.

170. 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 for current expenses or 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.

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Period for
repayment of
loans under
Municipal
Corporations
Act 1882.

171. 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.

Evidence
of transfer
or trans-
mission of
securities.

172. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and 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.

173. 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 a sufficient discharge to the Corporation.

Interest on
mortgages
held jointly.

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

Expenses
of execution
of Act.

175. 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.

176. 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. A.D. 1926.
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177.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall be not less than one thousand pounds in the whole. Appointment of receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

178. 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. Protection of lender from inquiry.

179.—(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. 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.

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

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

Application
of revenue
and pay-
ment of
expenses
of under-
takings.

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

- (a) the water undertaking;
- (b) the electricity undertaking;
- (c) the markets undertaking;
- (d) the baths undertaking;

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

(2) Any moneys which the Corporation are required or authorised to pay or apply under any enactments relating to the application of the revenue of any of the said undertakings shall for the purposes of subsection (1) of this section be deemed to be payments and expenses made and incurred in respect of the undertaking to which the said enactments respectively relate and any income arising

from the investment of any reserve funds authorised under the said enactments shall be deemed to be money received on account of the revenue of the undertaking to which the said enactments respectively relate. A.D. 1926.

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

Separate accounts to be kept.

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

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

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as may be reasonably practicable apportion between those accounts or carry to either of them any

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A.D. 1926. receipts credits payments and liabilities which from
— time to time ought to be so apportioned or carried.

Reserve
fund for
water
under-
taking.

182.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of the water undertaking by setting aside and investing such an amount as they may from time to time think reasonable and investing the same in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of the undertaking not exceeding a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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

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

PART XIII.

MISCELLANEOUS PROVISIONS.

Dwelling-
houses for
employees
and other
buildings.

183. The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with their water and electricity undertakings and they may also erect maintain and let any such buildings upon any land for the time being belonging or leased to the Corporation for those purposes.

184.—(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.

A.D. 1926.
—
Ejection of steam and waste gas to annoyance of public.

(2) Any person who shall cause or permit steam waste gas or condensing water 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.

(3) The provisions of this section shall not apply to the locomotive engines of any railway company.

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

Use of swimming baths &c. for exhibitions and entertainments.

186. 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.

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

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Penalty on
occupiers
refusing
execution
of Act.

187. 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 VII. or VIII. 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.

Power of
entry.

188. 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 VII. and VIII. of this Act as if those purposes had been mentioned in the said section 102.

General
provisions
as to
byelaws.

189. 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. Provided that this section shall not apply to byelaws made under the section of this Act of which the marginal note is "Byelaws as to apparatus and fittings". Provided also that as respects byelaws made under Part IX. (Employment agencies) of this Act the Secretary of State shall be substituted for the Minister of Health.

Evidence
of appoint-
ments
authority
&c.

190. 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 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 prima 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.

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191.—(1) Where any notice or demand under this Act 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.

Authenti-
cation and
service of
notices &c.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act 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.

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

Breach of
conditions
of consent
of Corpora-
tion.

193. All consents given by the Corporation under the provisions of this Act 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.

Consents
of Corpora-
tion to be
in writing.

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—
Apportionment of expenses in case of joint owners.

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

Damages and charges to be settled by court.

195. 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.

Recovery of demands.

196. 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.

As to appeals.

197. 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 VII. VIII. or X. 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.

198. 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. A.D. 1926.

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

200. 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. Informations by whom to be laid.

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

202. 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. Compensation how to be determined.

203. 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.

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—
Saving for
indictments
&c.

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.

Application
of section
265 of Public
Health Act
1875.

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 enactment as if the same were re-enacted therein.

Judges not
disqualified.

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.

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 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.

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.

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A.D. 1926. interest the provisions thereof shall be incorporated herewith
and shall operate and take effect as though they had been
originally inserted herein.

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

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named
consenting the within-mentioned time for repayment of the
within-mentioned principal sum of _____
is hereby extended to the _____ day of _____
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 Guildford 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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