



### CHAPTER xiii.

An Act to confer further powers upon the mayor aldermen and burgesses of the county borough of Bury with regard to the running of omnibuses and for other purposes. [29th June 1927.]

A.D. 1927.

**W**HEREAS the borough of Bury (hereinafter referred to as "the borough") is a county borough subject to the Acts relating to municipal corporations and is under the government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") acting by the council:

And whereas the Corporation have under the authority of Parliament constructed and are working tramways within and beyond the borough and omnibuses within the borough and it is expedient that they be empowered to provide and work omnibuses not only within the borough but also beyond the borough and that further powers should be conferred upon them with respect to their said tramways and omnibuses and in connection with their tramways undertaking:

And whereas it is expedient that further borrowing powers for the purposes of this Act and for the other purposes hereinafter referred to should be conferred upon the Corporation:

And whereas it is expedient to make further provisions with regard to the finances of the Corporation:

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

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

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

	£
For the provision and equipment of omnibuses - - - - -	12,000
For the erection of buildings for the purposes of the omnibus undertaking of the Corporation - - -	2,625

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

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

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) :—

Short and  
collective  
titles.

1.—(1) This Act may be cited for all purposes as the Bury Corporation Act 1927.

(2) The Bury Corporation Act 1909 and this Act may be cited together as the Bury Corporation Acts 1909 and 1927.

Incorporation of  
Lands  
Clauses  
Acts.

2. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the taking of lands otherwise than by agreement (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act.

Interpretation.

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

“ The borough ” means the borough of Bury ;

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

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“The town clerk” and “the treasurer” mean respectively the town clerk and the treasurer for the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

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

“The Act of 1909” means the Bury Corporation Act 1909;

“Statutory borrowing power” and “statutory security” have the same respective meanings as those assigned to them by the Act of 1909;

“Revenues of the Corporation” has the same meaning as that assigned to it by the Act of 1909;

“The Corporation tramways” has the same meaning as that assigned to it by the Act of 1909;

“The tramways undertaking” means the tramways undertaking of the Corporation as for the time being authorised and includes the omnibus undertaking by this Act authorised;

“Road authority” means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road.

Words and expressions to which meanings are assigned in enactments incorporated with this Act have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction.

4.—(1) Subject to the provisions of this Act the Corporation may in addition to and without prejudice to the exercise of their powers under section 67 (Corporation may run omnibuses) of the Act of 1909 provide and maintain (but shall not manufacture) and may with the consent of the Minister of Transport and of the local authority of the district run omnibuses along any route within a radius of five miles from the parish church Bury Provided that the consent of

Power to provide and run omnibuses.

A.D. 1927. — a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

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

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

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

(5) The Corporation shall perform in respect of the omnibuses provided under this section such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

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

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

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Adaptation  
of roads.

(b) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (a) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether or not they intend to run omnibuses over the road or part of a road or bridge in question.

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

(d) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in

A.D. 1927. — respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part or a road or the strengthening of any bridge which is not executed within three years from the date on which the Corporation shall commence to run omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

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

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

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

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

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation

in respect of extraordinary traffic by reason of the user of any highway by the omnibuses of the Corporation. A.D. 1927.

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

(6) For the purposes of this section the expression "road authority" shall not include a railway company.

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

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

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

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

As to rail-  
way and  
canal  
bridges &c.

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

Working  
and other  
agreements.

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

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

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

(a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;

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



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conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

(c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;

(d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

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

10. The Corporation may on any of their omnibus routes erect and maintain shelters or waiting-rooms for the accommodation of passengers and may with the consent of the local authority and road authority (where other than the Corporation) use for that purpose portions of the public streets or roads.

Shelters and  
waiting-  
rooms.

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

Cloakrooms  
&c.

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

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

Power to  
reserve  
tramcars or

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omnibuses  
for special  
purposes.

of the Corporation tramways or omnibuses on any route on which the Corporation are for the time being authorised to run omnibuses for any special purpose which the Corporation may consider necessary or desirable Provided that such special tramcars and omnibuses shall be distinguished from other tramcars and omnibuses in such manner as the Corporation may direct and that during the running of such special tramcars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of tramcars or omnibuses as the case may be.

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

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

Through  
omnibuses.

**13.** The Corporation may run through omnibuses along any of their omnibus routes or any specified portion thereof and such omnibuses shall be distinguished from other omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such omnibus Provided that during the running of such through omnibuses the Corporation shall maintain a reasonably sufficient ordinary service.

Corporation  
may appoint  
stopping  
and starting  
places.

**14.** The Corporation may appoint the stations and places from which the omnibuses of the Corporation shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time during which such omnibuses shall be allowed to remain at any such place but any such appointment and fixing of time shall (as respects any station or place outside the borough) be subject to the consent of the local authority of the district within which that station or place is appointed which consent shall not be

unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport. A.D. 1927.  
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**15.**—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any of the Corporation tramways or any of their omnibus routes signs or directions indicating the position of stopping places for tramcars and omnibuses. Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment. Attachment of signs indicating stopping places to lamp-posts &c.

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

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

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to a railway company without the consent of such company in writing.

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

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Penalty for  
malicious  
damage.

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

Power to  
Corporation  
to suspend  
running of  
cars &c.

**18.** The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Corporation or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the working of any tramcars and omnibuses for the time being belonging to or worked by the Corporation shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damage in respect thereof.

Removal of  
obstruc-  
tions.

**19.** If any obstruction to the traffic on any of the Corporation tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fail to do so the Corporation may so remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and may recover the reasonable cost of so doing from the owner of the vehicle.

Trees over-  
hanging  
highways on  
tramways  
and omni-  
bus routes.

**20.**—(1) Where the Corporation consider that any tree hedge or shrub overhangs any street outside the borough so as to be likely to obstruct or interfere with the passage of their omnibuses or tramcars or to obstruct the view of drivers of such vehicles the Corporation may require the authority by whom powers may be exercised under section 23 of the Public Health Act 1925 to

exercise those powers in respect of the trees hedges or shrubs to which the requisition refers. A.D. 1927.

(2) If the said authority have not adopted the said section and refuse or neglect to do so or having adopted the said section or being a county council refuse or neglect to exercise those powers in accordance with the said requisition the Corporation may apply to the Minister of Health for and the Minister may make an order conferring on the Corporation all or any of the powers of a local authority under the said section in respect of the streets in which the said trees hedges or shrubs are situated.

(3) On the making of such order any authority having powers under section 23 of the Public Health Act 1925 shall during the continuance of the order cease to exercise such powers in respect of the said street or streets to the extent to which they have been conferred on the Corporation.

21. As and from the day on which as the result of the passing by the Corporation of the prescribed resolution under the Public Health Act 1925 section 23 of that Act shall have come into operation in relation to the borough section 42 (Corporation may lop trees overhanging public highway) of the Act of 1909 shall be repealed. As to repeal of section 42 of Act of 1909.

22. Section 56 (Rates for passengers) of the Act of 1909 is hereby repealed and from and after the passing of this Act the Corporation may demand and take for every passenger travelling upon the Corporation tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding three half pence per mile and in computing the said fare the fraction of a mile shall be deemed to be a mile : Fares for passengers on tramways.

Provided that the Corporation may appoint stages upon the Corporation tramways each of not less than half a mile in length and may demand and take from every passenger travelling upon the Corporation tramways including every expense incidental to the conveyance of such passenger any fare not exceeding three half pence for any two consecutive stages or portion of that distance travelled and for this purpose the fraction of a stage shall be deemed a stage.

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Reduced  
tramway  
fares for  
labouring  
classes.

**23.** Section 60 (Cheap fares for labouring classes) of the Act of 1909 is hereby repealed and from and after the passing of this Act every artizan mechanic or daily labourer travelling on the Corporation tramways for the purpose of going to his work before 8 a.m. on any day of the week except Sunday Christmas Day and Good Friday and returning therefrom not earlier than 12 noon on the same day shall for each such double journey be charged a fare not exceeding the fare which the Corporation for the time being charge for each such single journey.

As to fares  
and charges  
on omni-  
buses.

**24.—**(1) The provision contained in subsection (1) of section 67 (Corporation may run omnibuses) of the Act of 1909 with respect to the fares and charges which the Corporation may demand and take for the conveyance of passengers in or upon their omnibuses shall be and the same is hereby repealed and from and after the passing of this Act the Corporation may demand and take for the conveyance of passengers in or upon their omnibuses fares rates and charges not exceeding the fares rates and charges which they are authorised to demand and take for the conveyance of passengers upon the Corporation tramways.

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

(3) The Corporation may if they think fit convey in or upon the omnibuses small parcels not exceeding fifty-six pounds in weight and may charge therefor rates and charges not exceeding the rates and charges which they are authorised to take for the conveyance of small packages on the Corporation tramways.

Periodical  
revision of  
fares and  
charges.

**25.—**(1) If at any time after three years from the passing of this Act or after three years from the date of any order made in pursuance of this section in respect of the tramways and omnibuses of the Corporation it is represented in writing to the Minister of Transport by the local authority of any district in which any tramways

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or omnibuses of the Corporation are worked or run or by twenty inhabitant ratepayers of that district or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken on such tramways or omnibuses should be revised the Minister of Transport may (if he thinks fit) direct an inquiry and if the person holding the inquiry reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the Minister may (subject to the maximum fares and charges which the Corporation are authorised to demand and take) by order in writing alter modify reduce or increase all or any of the fares or charges to be taken on the said tramways and omnibuses and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Transport made in pursuance of this section.

(2) Section 63 (Periodical revision of rates and charges) of the Act of 1909 is hereby repealed.

**26.** Section 57 (Prohibiting the raising of fares on Sundays and holidays) of the Act of 1909 is hereby repealed and from and after the passing of this Act the Corporation may take and demand on their tramcars and omnibuses on Sunday or on any bank or public holiday higher tolls fares rates and charges than those levied by them on ordinary week-days but not exceeding the maximum tolls fares rates and charges authorised to be levied upon those tramcars and omnibuses.

Repeal of section 57 of Act of 1909.

**27.** The Corporation may if they think fit convey on their tramcars and omnibuses dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger.

As to charges for dogs on tramcars &c.

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

Byelaws as to omnibuses.

(2) The Corporation may by resolution declare that any byelaws for the time being in force on the Corporation tramways shall with such modifications as they

A.D. 1927. — may deem necessary apply to and be enforceable with respect to their omnibuses and the premises held in connection therewith and the persons travelling in or upon the same Provided that any modifications as aforesaid shall be subject to the approval of the Minister of Transport.

(3) Subsection (3) of section 67 (Corporation may run omnibuses) of the Act of 1909 is hereby repealed.

Byelaws to be subject to Tramways Act 1870.

**29.** Any byelaws made by the Corporation under the provisions of this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

Omnibuses to form part of tramways undertaking.

**30.** Subject to the provisions of this Act the omnibus undertaking authorised by this Act shall form part of the tramways undertaking.

Accounts of tramways undertaking.

**31.** The Corporation shall keep the accounts in respect of the tramways undertaking so as to show separately (so far as may be reasonably practicable) the receipts and expenditure in regard to (a) their tramways and (b) the omnibuses which the Corporation are empowered to provide and run under the Act of 1909 and this Act and in such accounts capital shall be distinguished from revenue.

Accounts to be furnished to Minister of Transport.

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

Power to borrow.

**33.—(1)** The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table any sum not exceeding the respective sums mentioned in the second column thereof and in order to secure the repayment of any such sum and the payment of interest thereon they may mortgage or charge the revenue of the tramways undertaking and the borough fund and borough rate and they shall pay off all moneys so borrowed within the respective



periods mentioned in the third column of the said table (namely) :— A.D. 1927.

(1)	(2)	(3)
Purpose.	Amount.	Period for Repayment.
(a) For the provision of omnibuses	£ 12,000	Eight years from the date or dates of borrowing.
(b) For the erection of buildings for the purposes of the omnibus undertaking of the Corporation.	2,625	Thirty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of this Act.

(b) 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 such revenue fund or rate as may be prescribed by the Minister of Transport.

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

(3) The moneys authorised to be borrowed under the provisions of this Act shall be and the same are hereby declared to be principal moneys within the meaning of the Act of 1909 and the provisions of that Act with respect to principal moneys for borrowing or raising of money and the payment off of borrowed money shall subject to the provisions of this Act apply accordingly.

**34.** The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Section 234 of Public Health Act 1875 not to apply.

**35.—**(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit

Return to Minister of Health with

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respect to  
repayment  
of debt.

to the said Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

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

(3) If it appears to the said 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 said Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the said 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 said 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 said Minister out of the High Court.

(4) All enactments in force immediately before the passing of this Act which require any return to be made to the said Minister as to the repayment of debt are hereby repealed.

Amending  
section 73 of  
Act of 1909  
as to tram-

**36.**—(1) The provisions of section 73 (Tramways undertaking accounts and revenue) of the Act of 1909 with respect to the providing of a reserve fund for the tramways undertaking shall be amended so as to provide

that the limitation of one-fifth of the aggregate capital expended for the time being on that undertaking in the said section mentioned shall no longer apply and from and after the passing of this Act the said section shall be read and have effect as though there were omitted therefrom the words "not exceeding a sum equal to "one-fifth of the aggregate capital expended for the "time being by the Corporation upon the tramways "undertaking."

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ways re-  
serve fund.

(2) The paragraphs in the said section contained commencing respectively "(Fifthly)" and "(Sixthly)" shall be and the same are hereby repealed and from and after the passing of this Act the reserve fund for the tramways undertaking shall in addition to the purposes mentioned in the paragraph commencing "(Seventhly)" in the said section be applicable to the purposes of extending and improving the tramways undertaking and in making good to the borough fund any deficiency in the revenues of the Corporation in respect of the tramways undertaking which may at any time hereafter have been provided out of the borough fund or borough rate.

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

Further  
powers for  
acquisition  
of lands.

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

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Inquiries by  
Minister of  
Health.

**38.**—(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 said Minister shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the said Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the said Minister any expenses incurred by the said 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 the said Minister not exceeding five guineas a day for the services of such inspector.

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

**39.** Notwithstanding anything in the sections of this Act contained of which the marginal notes are “Shelters and waiting-rooms” “Cloakrooms &c.” and “Corporation may appoint stopping and starting places” the Corporation shall not erect any shelters or waiting-rooms or provide any cloakrooms rooms or sheds upon any approach road or bridge belonging to or repairable by any railway company nor shall they erect or provide the same or appoint any stations or places for starting or stopping omnibuses so as to obstruct the convenient access to or exit from any railway station or depôt.

Partial  
exemption  
for London  
Midland and  
Scottish  
Railway  
Company in  
case of  
deficiency.

**40.** As regards so much of any deficiency in the revenue of the omnibus undertaking paid or required to be paid by the Corporation out of the borough fund as may arise in respect of any omnibus services outside the borough the Corporation shall and they are hereby required to allow or repay to the London Midland and Scottish Railway Company on account of any land used as a railway constructed under the powers of their Acts of Parliament for public conveyance a sum equivalent to three-fourths of so much of the deficiency as shall arise as aforesaid as the said Company shall be liable to pay or shall have paid by reason of their assessment to the borough rate in respect of the said land.

Expenses of  
execution of  
Act.

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

42. The following provisions of the Act of 1909 shall apply and have effect as if they were with the necessary alterations re-enacted in this Act (namely):—

A.D. 1927.

—  
Application  
of certain  
further pro-  
visions of  
Act of 1909.

- Section 286 (Audit of accounts);
- Section 305 (Authentication and service of notices &c.);
- Section 306 (Informations by whom to be laid);
- Section 309 (Consent of Corporation to be in writing);
- Section 310 (As to appeal);
- Section 311 (Recovery of penalties &c.);
- Section 312 (Penalties to be paid over to treasurer);
- Section 313 (Damages and charges to be settled by court);
- Section 314 (Evidence of appointments authority &c.);
- Section 315 (Saving for indictments &c.);
- Section 316 (Recovery of demands);
- Section 317 (Application of section 265 of Public Health Act 1875);
- Section 318 (Judges not disqualified);
- Section 319 (Powers of Act cumulative); and
- Section 320 (Crown rights).

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

Inquiries by  
Minister of  
Transport.

44. The costs charges and expenses preliminary to and of and incidental to the preparing applying for

Costs of Act.

[Ch. xiii.]

*Bury Corporation* [17 & 18 GEO. 5.]  
*Act, 1927.*

A.D. 1927. — 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 and ultimately may be paid out of money to be borrowed under the powers of this Act for that purpose.

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Printed by EYRE and SPOTTISWOODE, LTD.,

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