



## CHAPTER lxxxii.

An Act to provide for the transfer to the mayor aldermen and burgesses of the borough of Buxton of the undertaking of the Buxton Gardens Company Limited and to confer powers upon the Corporation with respect to that undertaking to make further provision in regard to the electricity and water undertakings of the Corporation and the health local government and improvement of the borough and for other purposes. A.D. 1927.  
[29th July 1927.]

**W**HEREAS the borough of Buxton in the county of Derby 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 Buxton Gardens Company Limited (hereinafter referred to as "the company") were incorporated in the year eighteen hundred and eighty-eight and are the proprietors of the undertaking known as Buxton Gardens with the theatre picture theatre concert pavilion buildings and premises forming part thereof or connected therewith and are providing for the recreation and entertainment of the inhabitants of and visitors to the borough :

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And whereas an agreement (set forth in the First Schedule to this Act) has been entered into between the company and the Corporation for the transfer of the undertaking of the company to the Corporation and it is expedient that the said agreement be confirmed and carried into effect as by this Act provided :

And whereas it is expedient to confer powers upon the Corporation with respect to the carrying on of the undertaking of the company when transferred to them in pursuance of the said agreement and this Act :

And whereas the Corporation are the owners of undertakings by means of which they supply electricity and water within the borough and it is expedient to make further provision with regard to those undertakings :

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 by this Act :

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 reconstruction and repair of buildings works and property forming part of the undertaking of the Company - - - - -	£ 7,000
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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 :

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) :—

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## PART I.

### PRELIMINARY.

1. This Act may be cited as the Buxton Corporation Act 1927. Short title.

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

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—Buxton Gardens and improvement provisions.

Part III.—Electricity.

Part IV.—Water.

Part V.—Streets buildings sewers and drains.

Part VI.—Infectious disease and sanitary.

Part VII.—Traffic and police.

Part VIII.—Financial.

Part IX.—Miscellaneous.

3.—(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. Interpreta-  
tion of  
terms.

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

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

“ The borough ” means the borough of Buxton ;

“ The council ” means the council 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



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health and any sanitary inspector of 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 general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the borough or (until the date when the first new valuation list made under Part II of the Rating and Valuation Act 1925 comes into force in the borough) the borough fund and borough rate or (if the case so requires) the district fund and general district rate of the borough;

“The company” means the Buxton Gardens Company Limited;

“The undertaking of the company” includes the undertaking known as “Buxton Gardens” with the theatre picture theatre concert pavilion buildings and premises forming part thereof or connected therewith and all and singular the real and personal property of the company of whatsoever tenure including all lands buildings furniture fittings goods chattels credits bills notes stock-in-trade stores goodwill assets and effects of whatever nature or kind with the rights and privileges belonging thereto as at the close of business of the company on the thirtieth day of November nineteen hundred and twenty-six except cash in hand and at the bank at that time which shall have arisen from the carrying on of the said undertaking in the ordinary course of business;

“The scheduled agreement” means the agreement dated the eighth day of November nineteen hundred and twenty-six and made between the company of the one part and the Corporation of the other part which is set forth in the First Schedule to this Act;

“The day of transfer” means such day as shall be mutually agreed upon between the company

and the Corporation in accordance with the provisions of clause 2 of the scheduled agreement;

“The Buxton Gardens undertaking” means the undertaking of the company which is transferred to the Corporation in pursuance of the scheduled agreement and this Act and any extensions alterations and improvements thereof and additions thereto;

“The Buxton Gardens” means the lands which are coloured red upon the map signed in triplicate by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred one copy of which map has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office;

“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;

“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.



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

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

“Statutory securities” has the meaning assigned to it by section 3 (Interpretation) of the Act of 1904;

“The Act of 1902” and “the Act of 1904” mean respectively the Buxton Urban District Council Water Act 1902 and the Buxton Urban District Council Act 1904.

## PART II.

### BUXTON GARDENS AND IMPROVEMENT PROVISIONS.

Confirma-  
tion of  
scheduled  
agreement  
&c.

4.—(1) The scheduled agreement (in so far as the same is not inconsistent with or rendered unnecessary by the provisions of this section) is hereby confirmed and made binding on the parties thereto and effect may and shall be given thereto accordingly.

(2) The Corporation shall pay to the company the sum of ten thousand seven hundred and fifty pounds and ten shillings on the day of transfer and upon such payment the undertaking of the company shall subject and according to the provisions of the scheduled agreement be transferred to and shall vest in the Corporation freed and discharged from all mortgages debentures charges incumbrances debts and liabilities affecting the same (except as expressly provided in this Act or in the scheduled agreement) and thereafter the Corporation shall be entitled to exercise and enjoy all the rights powers privileges and authorities vested in or exerciseable by the company in relation to such undertaking.

(3) The transfer and vesting provided for by this section are in this Act referred to as "the transfer." A.D. 1927.

(4) (a) The receipt in writing of three directors of the company for any money paid to them by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

(b) Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of three directors of the company.

(5) The production of a King's Printer's copy of this Act duly stamped together with a receipt for the said sum of ten thousand seven hundred and fifty pounds and ten shillings purporting to be signed by three directors of the company or by the cashier of the Bank of England shall be evidence in all courts and proceedings of the transfer.

5.—(1) The debenture stock of the company outstanding at the day of transfer and the interest accruing thereon after that day shall thereafter continue to be a charge on the undertaking of the company in the hands of the Corporation to the same extent and with the same incidents as if this Act had not been passed but with the substitution of the Corporation for the company in respect of such debenture stock until the date upon which the Corporation shall have issued to the holders of such debenture stock mortgages of the Corporation in accordance with the provisions of this section and the scheduled agreement but as from that day the said debenture stock shall cease to be a charge on the undertaking of the company in the hands of the Corporation except in so far as such undertaking forms part of the revenues of the Corporation.

As to debenture stock of company.



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(2) The Corporation shall grant to the holders of the debenture stock of the company which is in existence on the date of the scheduled agreement and is outstanding at the day of transfer in full satisfaction of the principal moneys and interest thereby secured mortgages issued by them under the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" and such mortgages shall carry interest at the rate of five pounds per centum per annum and shall be issued to the holders of the said stock at the rate of eighty pounds (secured by mortgage) for every one hundred pounds of such debenture stock. Interest on the said mortgages shall be payable half-yearly on the first day of April and the first day of October in every year and shall commence to accrue as from the date to which interest on the said debenture stock shall have been paid. Each debenture stockholder of the company shall if he so desire be entitled to have issued to him a separate mortgage in respect of each complete sum of one hundred pounds and any odd fraction of one hundred pounds secured to him by mortgage as aforesaid.

(3) Any mortgages of the Corporation issued to the holders of the debenture stock of the company in pursuance of the scheduled agreement and this Act shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those in on or subject to which the debenture stock was held immediately before the day of transfer and so as to give effect to and not to revoke any deed will or other instrument or testamentary or other disposition disposing of or affecting the debenture stock and every such deed will instrument or disposition shall take effect with reference to the whole or a proportionate part (as the case may be) of the mortgages of the Corporation.

(4) No debenture stock shall be issued by the company after the date of the scheduled agreement and if any debenture stock is so issued the same shall not be a charge upon the undertaking of the company after the date of transfer and the Corporation shall not be required to grant mortgages under the provisions of this section to the holders thereof.



6. Subject to the provisions of the scheduled agreement all agreements contracts deeds and other instruments affecting the company in relation to the undertaking of the company and in force at the day of transfer shall after that day be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

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Contracts to  
be binding  
on Corpora-  
tion.

7. All books and documents which would have been evidence in respect of any matter for or against the company if the scheduled agreement had not been carried into effect shall after the day of transfer be admitted in evidence in respect of the same and the like matter for or against the Corporation.

Books &c.  
to remain  
evidence.

8. All mortgages debentures charges debts and liabilities (other than the debenture stock referred to in the scheduled agreement but including interest on such debenture stock) upon or affecting the undertaking or due from or payable by the company which at the first day of December nineteen hundred and twenty-six shall remain undischarged unpaid or unsatisfied shall be discharged paid or satisfied by the company and if at the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the company as and when it might have been continued prosecuted and enforced by against or in favour of them if this Act had not passed and the company shall indemnify the Corporation against any claim in respect thereof.

Liabilities to  
be defrayed  
by com-  
pany.

9.—(1) From and after the day of transfer the company shall subsist only for the purpose of distributing their assets and winding up their affairs and carrying into effect the purposes of this Act so far as they relate to the company and the directors of the company who are in office at the day of transfer and the survivor or survivors of such directors shall continue without re-election to hold office and such directors or a majority

Winding up  
of company.

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A.D. 1927. of them or in the event of a liquidator being duly appointed such liquidator shall have full power and authority to take all necessary proceedings in respect of the company for carrying into effect the several purposes of this Part of this Act.

(2) If the number of directors of the company be reduced by death resignation or otherwise below two before the completion of the winding up of the company or the appointment of a liquidator thereof the continuing director shall from time to time choose any person who immediately prior to the day of transfer was a shareholder of the company to fill any vacancy so caused.

(3) Forthwith after the day of transfer the directors of the company or such liquidator as aforesaid shall proceed to wind up the affairs of the company in accordance with the provisions of the Companies, Acts 1908 to 1917 and for such purposes the company shall be deemed as at the day of transfer to have confirmed a special resolution for the voluntary winding up thereof.

Copy of  
Act to be  
registered.

10. The Corporation shall forward to the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Corporation shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recoverable summarily.

There shall be paid to the registrar by the Corporation on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association.

Mainten-  
ance of  
Buxton  
Gardens  
and  
buildings.

11. After the day of transfer the Corporation may subject to the provisions of this Act and of the scheduled agreement maintain continue repair improve renew carry on alter and extend the theatre picture theatre concert pavilion buildings pleasure grounds and premises comprised in the undertaking of the company.

Power to  
provide and  
let public

12. Subject to the provisions of this Act the Corporation may in the Buxton Gardens erect and



construct and hold furnish equip maintain insure and carry on concert halls public halls assembly rooms rooms for all social purposes pavilions conservatories winter gardens bandstands and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante rooms shelters refreshment rooms kitchens cloak rooms lavatories gardens pleasure grounds promenades outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation and may provide erect and maintain offices as part of any such building or buildings.

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halls and  
other  
buildings.

13. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of the Buxton Gardens or for the use of any of the premises mentioned in the last preceding section of this Act and they may also make such charge for the use of chairs and for admission to the concert halls public halls assembly rooms rooms for social purposes pavilions conservatories winter gardens reading rooms and conveniences in connection therewith as they may deem fit.

Power to  
charge for  
admission.

14.—(1) Subject to the provisions of this Act the Corporation may—

Provision  
of concerts  
entertain-  
ments &c.

(a) Provide or arrange for the provision or carrying on of suitable concerts entertainments athletic meetings games exhibitions and amusements in the Buxton Gardens or in any concert halls public halls assembly rooms rooms for social purposes pavilions conservatories winter gardens reading rooms and conveniences in connection therewith and may make such charges as they may think fit for admission thereto and the Corporation may let any such halls rooms and other buildings belonging to them for the purpose of such concerts entertainments athletic meetings games exhibitions 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;

(b) Provide and sell or authorise any person or persons to provide and sell programmes of

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any concerts entertainments or performances given in pursuance of this section;

- (c) Provide refreshments in any such halls rooms or buildings as are referred to in paragraph (a) of this subsection.

(2) Provided that if the Corporation themselves provide or arrange for the provision or carrying on of stage plays or cinematograph performances under the provisions of this section they shall (unless otherwise authorised by Act of Parliament) either—

(a) let the public hall pavilion assembly room or other building in consideration of the payment to them of a sum or sums of money; or

(b) enter into an arrangement under which a share in the gross or net receipts in respect of the production of such stage plays or cinematograph performances shall be credited to them;

and the Corporation shall not under the provisions of this section undertake any liability for any loss that may be occasioned in the production of any such stage plays or cinematograph performances.

Byelaws.

15. The Corporation may make and enforce byelaws for 'securing' good and orderly conduct during any concert entertainment athletic meeting game exhibition or amusement provided or carried on in pursuance of the section of this Act of which the marginal note is "Provision of concerts entertainments &c."

Power to establish information bureaux.

16. The Corporation may in the borough establish and maintain an information bureau or information bureaux for the purpose of supplying such information with regard to the borough as may be desired by visitors or intending visitors to the borough and others or may subscribe towards the establishment of any such bureau and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof.

Power to advertise Buxton Gardens.

17. The Corporation may pay or contribute towards the payment of the cost of maintaining at railway stations and other public places and in newspapers



magazines and other publications advertisements relating to the Buxton Gardens undertaking Provided that such payments or contributions shall be paid out of the revenue of the Buxton Gardens undertaking and shall be deemed to be part of the working and establishment expenses and cost of maintenance of that undertaking.

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18.—(1) The Corporation may appoint officers for securing the observance of the foregoing provisions of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

Power to  
appoint  
officers.

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

19. 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 borough fund.

As to  
receipts and  
payments  
under this  
Part of this  
Act.

### PART III.

#### ELECTRICITY.

20. 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 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 1926 and of the Buxton Electric Lighting Order 1894 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

Power to  
lay electric  
mains in  
private  
streets.

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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.

21. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1926 and the Buxton Electric Lighting Order 1894 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 that the Corporation shall not under the powers of this section except with the consent in writing of the railway company construct any such sub-station transforming station or other work (a) in or upon any bridge carrying a street over a railway or the approaches thereto or under any bridge carrying a railway over a street or (b) in any street belonging to and repairable by a railway company and forming the approach to any station or depôt of such company or (c) within fifteen feet of any abutment or wing wall of any such bridge or (d) so as to obstruct the access to or exit from any



station or depôt of a railway company constructed and maintained under statutory authority. A.D. 1927.

**22.**—(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.

(3) In this section the expression "power purposes" includes all purposes to which electricity may be applied other than lighting purposes.

**23.**—(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'

Provisions as to supply of electricity by agreement.

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(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 23 (Penalty for failure to supply) of the Buxton Electric Lighting Order 1894 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 demanded.

24.—(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.

(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.

Byelaws as to apparatus and fittings.

25.—(1) 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.

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(2) Provided that no byelaws made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depôt adjoining the railway or railway sidings of any railway company.

**26.**—(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.

**27.**—(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 of that section as extended by section 16 of the Electric Lighting Act 1909 or from exercising the powers contained in those sections shall be liable to a penalty not exceeding forty shillings.

Entry upon premises  
Penalty for obstruction.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said sections or either of them are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he or his address is unknown to the Corporation and cannot be ascertained after diligent

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A.D. 1927. inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

Notice to  
discontinue  
supply of  
electricity.

**28.**—(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 ex-  
penses.

**29.**—(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 of the Corporation and shall be applicable accordingly.

PART IV.

WATER.

Supply of  
water by  
hose pipe  
to stables  
&c.

**30.** 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 half-yearly in advance



on the first day of April and the first day of October A.D. 1927.  
in each year and shall be recoverable in the same manner  
as water rates. —

**31.** 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. Inter-  
ference with  
valves pipes  
and fittings.

**32.—(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. Injuring  
meters &c.

(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

A.D. 1927. to the Corporation by the person so offending and may be recovered by them as water rates are recoverable.

(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 primâ 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.

Mainten-  
ance of  
common  
pipe.

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

Power to  
Corporation  
to repair  
communica-  
tion pipes.

**34.—(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.

(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 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. A.D. 1927:

**35.**—(1) Any water rate or charge payable to the Corporation may be collected together with the general rate and the same books may be used for the said water rate and charge and the general rate. Water rate may be collected with general rate.

(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 and water rate or charge 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 by half-yearly instalments in advance on the first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

(4) (a) 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.

(b) 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.

## PART V.

### STREETS BUILDINGS SEWERS AND DRAINS.

**36.** The Corporation may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Corporation may maintain in good order any grass margins trees gardens guards and fences in any such street and alter or renew the same and may add to the carriageway or footway of any such street any part of such grass margins parts Laying out of streets by Corporation.

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*Act, 1927.*

A.D. 1927. — planted with trees or parts laid out as gardens as aforesaid and may alter or re-arrange the parts of any street laid out as carriageway or footway respectively :

Provided always that nothing in this section contained shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street Provided further that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by Act of Parliament and the Corporation shall be deemed to be the undertakers.

Provisions  
as to fore-  
courts.

**37.**—(1) If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt within the borough is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period not being less than seven days as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

Direction  
signs.

**38.**—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating



the direction or the distance to towns railway stations public buildings and other places of a public character. A.D. 1927.  
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(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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

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

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

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

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(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering as is referred to in subsection (1) hereof which was in use on the fifteenth day of November nineteen hundred and twenty-six.

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

Power to provide tubs for trees &c.

**40.** The Corporation may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants Provided that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

Restrictions on erection of temporary stands &c.

**41.**—(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.

(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.

As to barriers in streets.

**42.**—(1) It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on other emergencies to cause barricades to be erected across any of the streets of the borough and to continue



the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings. A.D. 1927.

(2) For the purpose of the erection of such barriers the Corporation may construct or place in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient.

**43.** 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 place or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds. As to fire-plugs &c.

**44.—(1)** Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation. As to 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 five pounds and to a daily penalty not exceeding forty shillings.

**45.—(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 buildings.

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(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.

Means of  
escape from  
buildings in  
case of fire.

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

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

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



become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape. A.D. 1927.

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

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

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

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

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

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

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

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

Removal  
of dilapi-  
dated and  
neglected  
buildings.

47.—(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.

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

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

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of



the structure together with all costs in respect thereof 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.

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48.—(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.

Dangerous buildings.

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

49.—(1) (a) For the purpose of assisting the Corporation in the exercise of the powers conferred upon them by this section a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted for the borough of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said Institute one member shall be a Fellow of the Surveyors' Institution to be nominated by the President of the said Institution and one member shall be a justice of the peace to be nominated by the council:

Further power to make byelaws as to new buildings &c.

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

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

(2) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary for the deposit by a person intending to construct—

- (a) a building within the borough; or
- (b) an addition to an existing building within the borough (including the reconstruction of an existing addition to any such building); or
- (c) a chimney in the borough exceeding forty-five feet from the ground in height;

of drawings of the elevations and particulars as to the materials of such building or addition or chimney (in this section called collectively "elevations").

(3) Where elevations are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the submission to them of the elevations—

- (a) approve the elevations; or
- (b) if they shall consider that having regard to the general character of the buildings in the borough or of the buildings proposed therein to be erected or of the building upon or to which the addition is to be constructed or reconstructed the building or addition or chimney to which the elevations relate would seriously disfigure the borough whether by reason of the height of the building or addition or chimney or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference



shall be accompanied by a statement of the grounds on which the proposed building or addition or chimney is considered to be objectionable. A.D. 1927.

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

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

(b) (i) The advisory committee shall within one month after the receipt of the reference decide whether having regard to the considerations mentioned in subsection (3) (b) of this section they approve or disapprove the elevations and their decision shall be final and conclusive;

(ii) If the elevations are disapproved the decision of the advisory committee shall contain a statement of the grounds on which the proposed building or addition or chimney is considered to be objectionable;

(iii) In arriving at their decision the advisory committee may adopt such procedure as they think fit.

(6) The decision of the advisory committee shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the Corporation and to the person by whom the elevations were submitted.

(7) In the event of a division of opinion among the members of the advisory committee upon reference to them the matter shall be decided by a majority of votes of the members of the committee but save as

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A.D. 1927. — aforesaid the advisory committee shall act by their whole number.

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

(9) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct. Where such costs or part are payable by the person submitting the elevations they shall be recoverable by the Corporation summarily as a civil debt and where such costs or part thereof are payable by the Corporation they shall be recoverable by the person submitting the elevations in the like manner.

(10) The provisions of paragraph (b) of subsection (2) of this section shall not apply to a wooden hoarding which is used solely for the purposes of bill posting.

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

**50.** 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.

Food storage accommodation to be provided.

**51.**—(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. A.D. 1927.

(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 Derbyshire holden at Buxton 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.

52.—(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.

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Sanitary  
conveni-  
ences for  
workmen  
engaged on  
buildings.

**53.**—(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.

Extension  
of section 73  
of Act of  
1902.

**54.** Where under the provisions of any Act for the time being in force in the borough the Corporation have power to require any street to be sewered they may require the provision of separate sewage sewers and surface water sewers and the provisions of that Act shall apply to such sewers accordingly Provided that the powers of this subsection shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface water sewers.

Houses  
connected  
with single  
private  
drain.

**55.**—(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. A.D. 1927. —

(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.

**56.**—(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. Defective drains &c.

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

**57.** 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.

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Reconstruction of drains to be in accordance with byelaws.

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

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

Penalty for throwing rubbish into streams.

**59.** Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any river stream or brook within the borough so as to interfere with the due flow of such river stream or brook shall be liable to a penalty not exceeding five pounds.

Exemption for railway companies.

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

Banners and signs over streets;

Restrictions on erection of temporary stands &c.;

As to barriers in streets;

As to fire plugs &c.;

Removal of dilapidated and neglected buildings;

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

Food storage accommodation to be provided;

Closet accommodation in houses occupied by more than one family;

Sanitary conveniences for workmen engaged on buildings;

Extension of section 73 of Act of 1902; and

Houses connected with single private drain;

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



PART VI.

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INFECTIOUS DISEASE AND SANITARY.

**61.**—(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.

Power to close Sunday schools and exclude children from entertainments.

(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.

**62.**—(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 any assistant school medical officer of the Corporation 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 or any such assistant school 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 attendance of children at Sunday schools and places of assembly when infectious disease prevails.

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

**63.** Any parent or other person liable to maintain a child in attendance at a school (including a Sunday

Special provisions to prevent

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spread of  
infectious  
diseases.

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 :

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 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.

**64.**—(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 the section of this Act of which the marginal note is "Prohibition on infected person carrying on business" the expression "infectious disease" includes pulmonary tuberculosis as well as infectious disease as defined by the section of this Act of which the marginal note is "Interpretation of terms."

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

Penalty on  
withholding  
information  
from  
medical  
officer.

**65.**—(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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(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.

**66.** 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.

**67.** 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.

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

**68.—(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

A.D. 1927. — 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 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.

Disinfection  
in case of  
tuberculosis.

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



hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice. If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer :

Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

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

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

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

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

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

Prohibition  
of blowing  
or inflating  
carcasses.

70. 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 any 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.

Penalty on  
original  
vendor of  
unsound  
food.

71.—(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 animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 the person



to whom the same belongs or did belong at the time of deposit of such animal or 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 animal or article was in such a condition as to be liable to be so condemned.

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(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.

**72.** 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 section shall apply accordingly :

Further powers in relation to unsound meat.

Provided that nothing in this section shall authorise the inspection examination and search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or of any basket sack bag or parcel in the possession of such company as carriers thereof.

**73.**—(1) The owner of any dwelling-house or tenement in the borough which is not provided with a proper

Houses without water supply.

A.D. 1927. 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 either (a) the dwelling-house or tenement was erected before the passing of this Act or (b) the means of affording such a supply of water are not available and cannot be made available at a reasonable cost :

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."

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

74. 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.

Agreements as to slaughter-houses.

75. 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.

Power to close slaughter-houses if

76.—(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.

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—  
injurious  
to public  
health.

(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.

(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

A.D. 1927. — 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.

Power to order alteration of chimneys.

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

Regulation dustbins.

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

(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 ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or ashtub 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. A.D. 1927.  
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(5) The owner or occupier of any premises in connection with which a dustbin has been provided as required by this section shall if so required by the Corporation pay to the Corporation on each first day of April after such provision such sum not exceeding five shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such dustbin. Such payments shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance of such dustbin.

(6) 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.

(7) Nothing in this section shall apply to or in respect of any premises (other than a dwelling-house) belonging to or used by any railway company primarily for railway purposes and from which the Corporation do not remove the refuse.

## PART VII.

### TRAFFIC AND POLICE.

**79.** It shall be lawful for the Corporation from time to time to make regulations for the route to be observed between the hours of ten in the morning and one in the afternoon and two and five in the afternoon by vehicles or horses within one hundred and fifty yards of the Pump Room situate in The Crescent. Regulation of traffic in streets.  
Provided that no regulation made by the Corporation under this section shall prevent any person bonâ fide

A.D. 1927. — going to or returning from any premises within the prescribed distance with any vehicle or horse or shall prohibit vehicles or horses from using the streets or roads known as Terrace Road Spring Gardens the Quadrant and St. John's Road.

Byelaws as to bicycles &c. on certain footpaths.

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

Prohibition of touting and hawking in certain places.

**81.—**(1) No person shall in any public walk garden or place of recreation within the borough or in Spring Gardens The Crescent Terrace Road Broad Walk or The Square importune any person by touting for a hotel lodging-house refreshment-house shop garden theatre hackney carriage or any place of amusement or without the consent of the Corporation hawk sell or offer for sale any article or commodity Provided that the provisions of this section shall not apply to the sale of newspapers and periodicals in Spring Gardens and Terrace Road.

(2) Any person offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding twenty shillings.

Ejection of steam and waste gas to annoyance of public.

**82.—**(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.

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

(3) The provisions of this section shall not apply to locomotives used upon any railway.

(4) Subsection (2) of section 60 (Height of chimneys) of the Act of 1902 is hereby repealed.



PART VIII.

A.D. 1927.

FINANCIAL.

**83.**—(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 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 payment of any sum of money payable by the Corporation under the scheduled agreement.	The sum requisite.	Sixty years from the date or dates of borrowing.
(b) The repayment of mortgages granted by the Corporation under the section of this Act of which the marginal note is “As to debenture stock of company.”	The sum requisite.	Sixty years from the twenty-ninth day of September nineteen hundred and twenty-seven.
(c) The re-construction and repair of the buildings works and property forming part of the undertaking of the Company authorised to be acquired by this Act.	£7,000	Fifteen 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 III (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.

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(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 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.

(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.

Sinking  
fund.

**84.**—(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 and 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 repayment 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.

(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

A.D. 1927. — 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 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 sum so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section. A.D. 1927.

**85.**—(1) The Corporation shall make provision for the repayment of mortgages granted by them under the section of this Act of which the marginal note is “As to debenture stock of company” by means of a sinking fund so as to purchase and extinguish or be in a position to purchase and extinguish the said mortgages within a period of sixty years from the passing of this Act and if at the end of that period the said mortgages are not wholly extinguished then the Corporation shall so long as they are liable to pay interest thereon apply in or towards the payment thereof the annual income arising from the sinking fund provided under this section. Sinking fund for certain mortgages.

(2) The foregoing provisions of this Part of this Act with reference to sinking funds shall extend and apply with any necessary modifications to the sinking fund to be provided under this section and for the purposes thereof the prescribed period shall be the period of sixty years from the passing of this Act.

(3) The Corporation may at any time apply the whole or any part of the sinking fund to be provided under this section in or towards paying off the said mortgages. Provided that if such fund be 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 said sinking fund are based.

**86.**—(1) The Corporation shall have power— Power to re-borrow.

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

(b) to borrow in order to replace moneys which during the previous twelve months have

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been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

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

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

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

As to  
section 234  
of Public  
Health Act  
1875.

**87.** 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.

Power to  
use one  
form of

**88.—**(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. A.D. 1927.

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

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

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A.D. 1927. at the said office without fee or reward and the town clerk or other person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(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 Second Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

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

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his 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.

Consolidated loans fund.

**89.**—(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-eight 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—

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- (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
- (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

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A.D. 1927. 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.

Investment  
of and pay-  
ments into  
sinking  
fund.

90.—(1) 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):—

(i) 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;

(ii) The accumulations of the said yearly sums shall be paid and provided out of the general rate fund and the general 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 general rate fund. A.D. 1927.  
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(2) The provisions of this section shall not come into operation until the date upon which the first new valuation list made under Part II. of the Rating and Valuation Act 1925 comes into force in the borough.

**91.** 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 and by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable:

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

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

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applicable to the payment of interest on a loan raised under the statutory borrowing power :

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Application of money borrowed.

**92.** 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 working capital) to which capital is properly applicable.

Period for repayment of loans under Municipal Corporations Act 1882.

**93.** 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 transmission of securities.

**94.** 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.

**95.** 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.



96. 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.

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Interest on mortgages held jointly.

97. 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 or the district fund of the borough as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Expenses of execution of Act.

98.—(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.

(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

A.D. 1927. any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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

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

**99.**—(1) Subject to the provisions of subsection (3) of this section 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 gas undertaking;
- (d) The mineral baths undertaking;
- (e) The pump room undertaking;
- (f) The Buxton Gardens undertaking;

shall be carried to and shall form part of the general rate 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.



(3) Nothing contained in this section shall be deemed to authorise the Corporation to apply or dispose of the surplus revenue of the Electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926. A.D. 1927.

(4) The provisions of this section shall not come into operation until the date upon which the first new valuation list made under Part II of the Rating and Valuation Act 1925 comes into force in the borough.

**100.**—(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 the electricity undertaking the gas undertaking the mineral baths undertaking the pump room undertaking and the Buxton Gardens 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 (including the interest on any reserve fund authorised in connection therewith when such fund amounts to the prescribed maximum) 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.

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(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 receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Reserve  
funds for  
certain  
under-  
takings.

**101.**—(1) The Corporation may (if they think fit) provide reserve funds in respect of the water gas pump room and Buxton Gardens undertakings by setting aside such an amount as they may from time to time think reasonable and (if they invest the amount so set aside or any part thereof) investing the same in statutory securities and accumulating the same until the fund or funds so formed amounts to the maximum reserve fund or funds for the time being prescribed by the Corporation in respect of the undertaking or undertakings in respect of which the fund or funds is or are formed not exceeding a sum in each case 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. A.D. 1927.

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

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

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

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

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

(6) Section 30 (Audit of accounts) of the Act of 1904 is hereby repealed.

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Subscriptions to local government associations and other expenses.

**103.**—(1) The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882—

- (a) Reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;
- (b) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

(2) The Corporation may also subscribe to any charity philanthropic association or society or other associations institutions or societies rendering national or public service such sum or sums as they may from time to time think fit and may charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues.

(3) Provided that the total amount subscribed by the Corporation under the provisions of subsection (2) of this section shall not in any one year exceed the amount which would be produced by the levying of a borough rate of one halfpenny in the pound.

## PART IX.

### MISCELLANEOUS.

Further powers for acquisition of land.

**104.**—(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.

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(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 :

Provided that nothing in this section shall authorise the Corporation—

- (a) to create or permit any nuisance on any lands so appropriated ;
- (b) to appropriate such lands to any purposes other than purposes for which and subject to the conditions under which they are for the time being authorised to acquire and use lands.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

- (a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health ; or
- (b) in such other manner as may be approved by the Minister of Health.

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Dwelling-houses for persons in Corporation's employment.

**105.**—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

Power to convert destructor refuse into slabs and other materials and to use and sell such materials.

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

Power to grant gratuities in certain cases.

**107.**—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1925 or the Teachers (Superannuation) Acts 1918 to 1925 or any other Act for the time being in force relating to the superannuation of teachers grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.



(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not so provided). A.D. 1927.

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

**109.** The following provisions of the Act of 1902 and the Act of 1904 shall with all necessary modifications extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act (namely):— Application or provisions of existing Acts.

The Act of 1902—

Section 43 (Mode of payment off of money borrowed) (except the proviso to that section);

Section 48 (Receiver);

Section 97 (Inquiries and expenses of Local Government Board);

Section 103 (Crown rights).

The Act of 1904—

Section 20 (Mode of raising money);

Section 21 (Certain regulations of Public Health Act as to borrowing not to apply);

Section 22 (Provisions of Public Health Act as to mortgages to apply);

Section 23 (Council not to regard trusts);

Section 24 (Protection of lender from inquiry);

Section 35 (Confirmation of byelaws);

Section 37 (Recovery of penalties);

Section 39 (Saving rights of Duchy of Lancaster):

Provided that (a) the said section 97 of the Act of 1902 shall have effect as if the words "five guineas" were

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inserted therein instead of the words "three guineas" (b) the said section 35 of the Act of 1904 shall not apply to byelaws made under the section of this Act of which the marginal note is "Byelaws as to apparatus and fittings" and in the application of that section to byelaws made under the section of this Act of which the marginal note is "Byelaws as to bicycles &c. on certain footpaths" the Secretary of State shall be substituted for the Minister of Health.

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

**110.** 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.

Penalty on occupier refusing execution of Act.

**111.** If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Parts V or VI 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. A.D. 1927.

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

**113.** 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 primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document. Evidence of appointments authority &c.

**114.—(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. Authentication and service of notices.

**(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.

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(3) Section 98 of the Act of 1902 and section 36 of the Act of 1904 are hereby repealed.

Breach of conditions of consent of Corporation.

**115.** 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.

Consents of Corporation to be in writing.

**116.** 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.

Apportionment of expenses in case of joint owners.

**117.** 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 save as in this Act expressly provided 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.

**118.** 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.

**119.** 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. A.D. 1927.

**120.** 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 V or VI 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. As to appeals.

**121.** 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. Several sums in one summons.

**122.** 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.

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

**124.** 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.

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Powers of  
Act cumulative.

**125.** 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.

Saving for  
indictment  
&c.

**126.** 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.

**127.** 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 dis-  
qualified.

**128.** 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.

Costs of  
Act.

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



The SCHEDULES referred to in the  
foregoing Act.

A.D. 1927.

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THE FIRST SCHEDULE.

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AN AGREEMENT made the eighth day of November one thousand nine hundred and twenty-six between THE BUXTON GARDENS COMPANY LIMITED whose registered office is situate at Buxton in the county of Derby (hereinafter called "the Company") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF BUXTON (hereinafter called "the Corporation") of the other part.

Stamp.

Ten  
Shillings.

WHEREAS the Company are the proprietors of the undertaking known as "Buxton Gardens" with the theatre picture theatre concert pavilion buildings and premises forming part thereof or connected therewith :

And whereas the said undertaking comprises the freehold lands at Buxton aforesaid containing in all twenty-two acres one rood thirty perches or thereabouts which are delineated and coloured pink on the plan hereto annexed subject as to parts thereof to perpetual annual chief rents of one hundred and three pounds eighteen shillings and fivepence seventy-six pounds seven shillings and eightpence and five pounds respectively and subject also to the restrictive covenants reservations and exceptions contained in the several indentures whereby the premises were respectively conveyed to the Buxton Improvement Company Limited (the predecessors in business of the Company) or to the Company (which indentures are specified in the first part of the schedule hereto) and subject as to part of the premises but with the benefit of the indenture of lease specified in the second part of the said schedule :

And whereas the issued capital of the Company consists of seven thousand one hundred and sixty-seven shares each of five pounds :

And whereas the Company have issued a sum of twenty-five thousand pounds debenture stock (of which a sum of twenty-three thousand five hundred pounds and no more is now outstanding) constituted and secured by a trust deed dated the eighteenth day of December nineteen hundred and two :

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A.D. 1927.

And whereas the Corporation are desirous (if they can obtain the requisite powers) of acquiring and carrying on the said undertaking as part of their corporate property :

Now it is hereby agreed as follows :—

1. The Company shall sell and the Corporation shall purchase as a going concern the whole of the undertaking of the Company with all and singular their real and personal property of whatsoever tenure including all lands buildings furniture fittings goods chattels credits bills notes stock-in-trade stores goodwill assets and effects of whatsoever nature or kind with the rights and privileges belonging thereto as at the close of business on the thirtieth day of November one thousand nine hundred and twenty-six except cash in hand and at the bank at that time which shall have arisen from the carrying on of the said undertaking in the ordinary course of business.

2. The day of transfer shall be such day as shall be mutually agreed upon between the Company and the Corporation not being earlier than the day upon which the Act of Parliament hereinafter referred to confirming this agreement shall have received the Royal Assent and not later than two months after that day and upon that day the Corporation shall pay or satisfy the purchase consideration hereinafter provided for.

3. The Company shall continue to manage their undertaking in its ordinary course until the thirtieth day of November one thousand nine hundred and twenty-six (inclusive) and shall keep the same in fair working order as a going concern maintaining normal quantities of stores and shall not sell or dispose of any of their assets of any kind whatsoever without the previous consent in writing of the Corporation under the hand of their town clerk Provided that this clause shall not prevent the Company from selling in the ordinary course of their business sweets refreshments and other things habitually so sold and for the purpose of this clause an inventory of the Company's assets not to be sold may be taken by the Corporation and checked by the Company.

4. The Company shall pay all the debts and liabilities of or attaching to their undertaking up to the close of business on the thirtieth day of November one thousand nine hundred and twenty-six (except the mortgage debentures hereinbefore referred to) and for the purpose of this clause all rates taxes chief rents interest on debenture stock and other current outgoings shall be apportioned.

5. As on and from the first day of December one thousand nine hundred and twenty-six until the day of transfer the undertaking of the Company shall be managed by a joint committee consisting of four directors of the Company and three members



of the Corporation or such less number in each or either case as the board of directors of the Company and the Corporation respectively shall think fit to nominate for the purpose. Provided that such joint committee shall not incur any expenditure in the provision of an orchestra for the pavilion or for any other purpose which shall exceed the expenditure incurred by the Company during the corresponding period in the previous year for the like purpose without the previous consent in writing of the Corporation under the hand of their town clerk and shall not without the like consent make any alteration in the charges for admission to the gardens pavilion and opera house which are at present in force. The management by the said committee shall be in the name and on behalf of the Company but so that if this agreement shall be confirmed by Act of Parliament as aforesaid the said undertaking shall be deemed as from the first day of December one thousand nine hundred and twenty-six to have been carried on at the risk and cost and for the benefit of the Corporation and the Company shall be entitled to indemnity and liable to account accordingly.

6. The Company shall on the date of transfer deliver to the Corporation all books deeds agreements counsels and engineers opinions reports plans descriptions of works vouchers letters and other records of the business and proceedings of the Company whether in the possession of the Company or of their solicitors or agents.

7. In consideration of the transfer of the Company's undertaking the Corporation shall pay to the Company the sum of ten thousand seven hundred and fifty pounds ten shillings in cash and shall grant to the holders of the Company's debenture stock in full satisfaction of the principal moneys and interest thereby secured Corporation mortgages for principal sums amounting to eighteen thousand eight hundred pounds in all carrying interest at the rate of five pounds per centum per annum such mortgages to be distributed amongst the holders of the said stock at the rate of eighty pounds Corporation mortgage for every one hundred pounds of such debenture stock held by them respectively and to carry interest as from the date down to which the interest on the said stock shall have been paid payable half-yearly on the first day of April and the first day of October in every year and to be repayable at the option of the Corporation on six months' notice at any time after the twenty-ninth day of September one thousand nine hundred and forty-seven. Each stockholder shall (if he so desire) be entitled to a separate mortgage in respect of each complete sum of one hundred pounds and any odd fraction of one hundred pounds to be issued to him.

8. The Corporation shall promote and use their best endeavours to procure the passing in the next session of Parliament of an Act confirming this agreement and vesting in the



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A.D. 1927. Corporation such powers as the Corporation may deem necessary for enabling it effectively to carry on the said undertaking and to let or sell any part or parts of the said property not required for that purpose free from any restriction in the exercise of such powers to which the Corporation shall be unwilling to submit and the Company shall render to the Corporation such assistance as may be within their power in obtaining the passing of such an Act and shall for that purpose supply to the Corporation free of charge such information particulars and evidence in the possession of the Company or of any of their officers and servants as the Corporation may reasonably require and shall by themselves their officers and servants assist in relation to the Bill by giving evidence or otherwise as may be requisite.

9. This agreement is subject to the passing of such an Act of Parliament as aforesaid and to such alterations (if any) as Parliament may require to be made therein but in the event of either House of Parliament requiring any material alteration to be made in this agreement to the prejudice of any party it shall be lawful for such party by notice in writing to the other party to cancel this agreement and in the event of either House of Parliament being unwilling to vest in the Corporation any such powers as aforesaid or requiring that any restriction shall be imposed upon such powers to which the Corporation shall be unwilling to submit it shall be lawful for the Corporation by notice in writing to the other party to cancel this agreement.

10. If this agreement shall not have been confirmed with or without modification in manner aforesaid during the next session of Parliament or within such extended time as the parties may agree this agreement shall be cancelled and in that event or in the event of the cancellation thereof pursuant to the preceding clause the Corporation will reimburse the Company for any expenditure duly incurred in respect of any matters during the period between the first day of December one thousand nine hundred and twenty-six and such cancellation in excess of the expenditure of the Company incurred in respect of the corresponding matters during the corresponding period of the year commencing first December one thousand nine hundred and twenty-five after deducting from the amount of such excess the amount of any increase in the revenue resulting from such corresponding expenditure.

11. From and after the completion of the transfer the Company shall continue only for the purpose of winding up their affairs.

12. The Corporation shall pay the costs of the Company of and incidental to the negotiation preparation and execution of this agreement and of and incidental to the transfer of the said undertaking to the Corporation and the winding up of the



Company Provided as regards the costs of the winding up of the Company that the Company goes into liquidation within three months from the date of the transfer. A.D. 1927.  
—

13. No dividend shall be declared or paid by the Company to their shareholders during the pendency of this agreement.

14. The register of the debenture stockholders shall be closed seven days before the date of transfer and the Corporation mortgages to be issued hereunder shall be issued to the persons registered as holders of the stock at that date.

15. If any question difference or dispute shall arise with reference to this agreement or the construction thereof or as to anything herein contained or as to anything not fully provided for or as to the rights liabilities or duties of either side hereunder the same shall be referred to an arbitrator to be appointed by the Minister of Health and the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to such reference and arbitration and to this agreement as if it were a submission to arbitration under this Act.

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

THE SCHEDULE REFERRED TO.

FIRST PART.

5th August 1871 His Grace the Duke of Devonshire to the Buxton Improvements Company Limited.

7th July 1876 His Grace the Duke of Devonshire to the Buxton Improvements Company Limited.

29th November 1879 His Grace the Duke of Devonshire to the Buxton Improvements Company Limited.

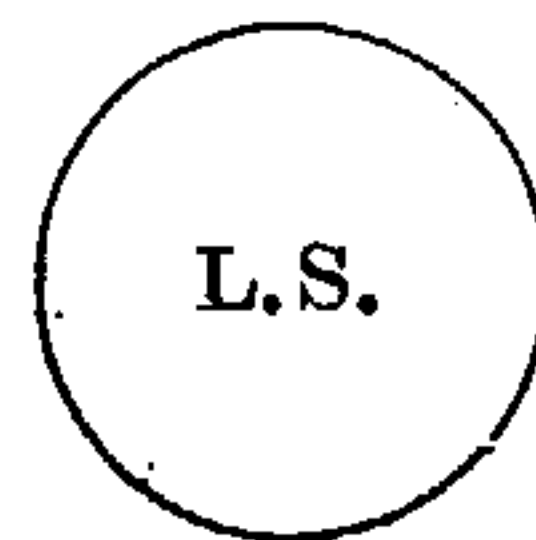
31st March 1890 His Grace the Duke of Devonshire to the Buxton Gardens Company Limited.

SECOND PART.

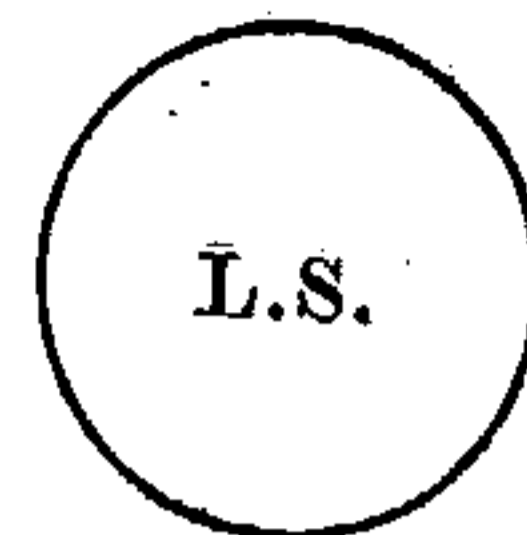
24th January 1921 The Buxton Gardens Company Limited to Allan Milton.

The common seal of the Buxton Gardens Company Limited was affixed in the presence of

HENRY C. SWEETING }  
H. R. P. LOMAS } Directors.  
E. A. HASTINGS Secretary.



A.D. 1927. The common seal of the mayor aldermen  
and burgesses of the borough of  
Buxton was hereunto affixed in the  
presence of



T. H. COOPER  
Mayor.

H. G. CURTIS  
Town Clerk.

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## THE SECOND SCHEDULE.

### FORM OF MORTGAGE.

#### BOROUGH OF BUXTON.

By virtue of the Buxton Corporation Act 1927 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Buxton (hereinafter referred to as "the Corporation") in consideration of the sum of \_\_\_\_\_ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by \_\_\_\_\_ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of \_\_\_\_\_ per centum per annum from the \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_ until payment of the principal sum such interest to be paid half-yearly on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year And it is hereby agreed that the principal sum shall be repaid at the town hall in the said borough [(subject as hereinafter provided) on the \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_ or (if not repaid on that date) at any time thereafter on the expiration of six calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by \_\_\_\_\_ ]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed



[17 & 18 GEO. 5.] *Buxton Corporation* [Ch. lxxxii.]  
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upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the town clerk for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

A.D. 1927.

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 Buxton 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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FOR

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

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