

**CHAPTER c.**

An Act to confer further powers upon the lord mayor aldermen and citizens of the city of Stoke-on-Trent with respect to lands and their electricity undertaking with respect to the establishment of an insurance fund to make better provision for the control of traffic within and the health local government and improvement of the city and for other purposes.

A.D. 1928.

[3rd August 1928.]

WHEREAS the city of Stoke-on-Trent (hereinafter referred to as "the city") is a municipal and county borough to which the Municipal Corporations Acts apply and the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation") acting by the council are the urban sanitary authority for the district thereof within the meaning and for the purposes of the Public Health Acts:

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to the acquisition development retention and disposal of lands:

And whereas the Corporation are the owners of an electricity undertaking and it is expedient that such further powers as are contained in this Act with respect to electricity should be conferred upon them:

And whereas it is expedient that the provisions of this Act with respect to Navigation Road Burslem in the city should be enacted:

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And whereas it is expedient that such powers as are contained in this Act should be conferred upon the Corporation with respect to the control of traffic and kindred matters the establishment of an insurance fund and to the health local government and improvement of the city :

And whereas it is expedient that the power of borrowing money conferred upon the Corporation by the *Stoke-on-Trent Corporation Act 1926* (hereinafter referred to as "the Act of 1926") for the purposes of that Act should be increased as by this Act provided :

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

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

PRELIMINARY.

Short title.

1.—(1) This Act may be cited as the *Stoke-on-Trent Corporation Act 1928*.

(2) The Act of 1923 as hereinafter defined and this Act may be cited as the *Stoke-on-Trent Corporation Acts 1923 and 1928*.

Act divided
into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Electricity.

Part IV.—Streets buildings sewers and drains.

Part V.—Infectious disease and sanitary provisions.

Part VI.—Common lodging-houses.

Part VII.—Human food.

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Part VIII.—Traffic and hackney carriages.

Part IX.—Sale of coke.

Part X.—Finance.

Part XI.—Miscellaneous.

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

Incorporation of
Lands
Clauses
Acts.

4. In this Act unless otherwise expressly provided or the context otherwise requires terms to which meanings are assigned by the Act of 1923 (as hereinafter defined) the Public Health Acts or by any Act wholly or partially incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

Interpreta-
tion.

“The city” means the city and county borough of Stoke-on-Trent;

“The council” means the council of the city;

“The Corporation” means the lord mayor aldermen and citizens of the city acting by the council;

“The Act of 1922” means the Stoke-on-Trent (Gas Consolidation) Act 1922;

“The Act of 1923” means the Stoke-on-Trent Corporation Act 1923;

“The Act of 1926” means the Stoke-on-Trent Corporation Act 1926;

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

“Food” has the meaning assigned to it by section 26 (Definition of “food”) of the Sale of Food and Drugs Act 1889;

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“The company” and “the debentures of the company” have the meanings assigned to those expressions respectively by section 4 (Interpretation) of the Act of 1922;

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

PART II.

LANDS.

Further
powers for
acquisition
of lands.

5.—(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 city and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any moneys so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

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

(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 subject to the provisions of the section of this Act of which the marginal note is "Consolidated loans fund" apply the same either—

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- (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.

6.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under any general or local Act for the time being in force in the city (other than the Housing Act 1925) or any Provisional or other Order and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Develop-
ment reten-
tion and
disposal of
lands.

Provided that the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or

A.D. 1928. interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(2) Nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would be required if this Act had not been passed.

(3) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Power to
develop
lands &c.

7.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may with the consent of the Minister of Health lay out and develop any lands acquired by them under any general or local Act for the time being in force within the city (other than the Housing Act 1925) or any Provisional or other Order and any other lands for the time being belonging to the Corporation and may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any of such lands and may sell lease exchange or otherwise dispose of any such lands houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or

appropriated by them which they may deem it necessary or desirable to pull down. A.D. 1928.

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

(4) The Corporation shall not (unless the Minister of Health otherwise direct) sell lease exchange or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

8.—(1) The Corporation may accept a surrender of any lease or letting of lands granted by them and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid. As to acceptance of surrender of leases &c.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion.

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

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PART III.

ELECTRICITY.

Use for
lighting
purposes of
electricity
supplied for
power.

10.—(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.

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) For the purposes of this section the use of electricity for lighting purposes shall include the use of the same for the purposes of illumination or for any process operation or purpose involving or requiring the use of light.

Amendment
of Fifth
Schedule to
Act of 1923.

11. As from the commencement of the quarter next immediately following the passing of this Act the Fifth Schedule to the Act of 1923 shall be read and

have effect as if instead of section 1 of that schedule the following were inserted (that is to say):—

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SECTION I.

Where the Corporation charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the rate of eightpence per unit.

Provided that the Corporation may make the following minimum charges (exclusive of meter rental) if energy to the value of the following amounts is not actually consumed (that is to say):—

- (a) In respect of the quarters ending thirty-first March and thirty-first December sixteen shillings and eightpence:
- (b) In respect of the quarters ending thirtieth June and thirtieth September ten shillings.

PART IV.

STREETS BUILDINGS SEWERS AND DRAINS.

12. From and after the passing of this Act and notwithstanding anything contained in any Act Order or scheme relating to the London Midland and Scottish Railway Company (in this section called "the company") or their undertaking Navigation Road Burslem in the city shall be a street within the meaning of the Public Health Acts and for the purposes of the Private Street Works Act 1892 shall be a highway not repairable by the inhabitants at large The Corporation shall forthwith after the passing of this Act proceed to make up the said road (the carriageway thereof including the portion thereof heretofore occupied by the tramway of the company being formed with tar grouted macadam) and forthwith thereafter adopt the same in accordance with the last-mentioned Act.

As to Navigation Road Burslem.

13.—(1) Not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the city either absolutely or to the extent of one-third or more of the width of the carriageway thereof or involving the resurfacing of a carriageway or footpath the Corporation shall

Restrictions on rights of breaking up streets in city.

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— give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street and when such work has been executed by the Corporation it shall not be lawful for any such undertakers within a period of one year of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed :

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Corporation to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of this section shall be referred to and settled by a single arbitrator to be agreed on between the parties or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and settlement.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out works in any streets in cases of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of the performance whereof they would be liable to any penalty or damages or from making altering repairing or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing or disconnecting any service line or from laying mains or service lines for

the supply of new property. In this section the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

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

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

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

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

(4) (a) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or of the intimation to him by the Corporation of such refusal appeal

A.D. 1928. to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

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

Adjustment
of bound-
aries of
streets.

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

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

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

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

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

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

16.—(1) (a) No fence hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the road or street shall be erected or brought forward on any land in any street within the city—

As to hoardings and similar structures.

(i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or

(ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

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

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which

A.D. 1928. — any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

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

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

As to repair
of hoard-
ings.

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

Elevations
of new
buildings
fronting
street.

18.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a building in any street within the city shall furnish the Corporation with drawings of the elevations of the

building and particulars of the materials to be used in those parts of the building which are comprised in the elevations (which drawings and particulars are in this section included in the expression "elevations").

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

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

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

(4) Where the elevations of any building proposed to be erected in any street are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the 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 existing buildings in the street or of the buildings proposed therein to be erected the building to which the elevations relate would seriously disfigure the street whether by reason of the height of the building or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory

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committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building is considered to be objectionable.

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

(6) (a) The person by whom the elevations were deposited shall 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 consideration mentioned in subsection (4) (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 is considered to be objectionable.

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

(7) 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 council and to the person by whom the elevations were submitted.

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

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

(10) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct. Where such costs or part thereof 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.

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

19.—(1) In case any building within the city 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 building to greater height than adjoining buildings.

(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.

20. If the council shall have made byelaws under section 157 of the Public Health Act 1875 with respect

As to byelaws under

A.D. 1928. to the construction of the roofs of new buildings they may—

—
section 23
of Public
Health Acts
Amendment
Act 1890 &c.

(i) by byelaws made under subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 apply such first-mentioned byelaws to the alteration of buildings whether or not erected in accordance with byelaws; and

(ii) by notice require a building to be so altered as to comply with such byelaws and if they think fit contribute towards the cost of any alterations which may be necessary to comply with the provisions of such notice.

Means of
ingress to
and egress
from large
shops de-
partmental
stores and
clubs.

21.—(1) The provisions of section 36 of the Public Health Acts Amendment Act 1890 shall extend and apply to shops and departmental stores where more than twenty-five persons are employed and to any club registered under the provisions of section 91 (Obligation to register clubs) of the Licensing (Consolidation) Act 1910 in the city whether existing before or after the passing of this Act. Provided that in the application of the provisions of the said section 36 to any club the said section shall be read and have effect as if the words “for the use of the public” were omitted from subsection (1) thereof.

(2) Any person aggrieved by a requirement of the Corporation under the said section 36 in its application to shops departmental stores or clubs in pursuance of the powers of this section may within fourteen days after the date on which the Corporation give notice of their requirement to such person appeal to a petty sessional court and such court may make such order in the premises and on such terms and conditions as to the court may seem fit and may award costs. Provided that such person shall give twenty-four hours’ written notice of such appeal and of the grounds thereof to the town clerk.

(3) Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section.

(4) For the purposes of this section section 7 of the Public Health Acts Amendment Act 1890 shall not apply.

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

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Byelaws as to materials and construction of buildings &c.

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

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

(c) The testing of drains of new buildings;

(d) For securing that waterclosets constructed after the making of such byelaws shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provisions to be made for securing the protection of the same from frost.

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

Byelaws for preventing construction of obstructive buildings.

24.—(1) If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt within the city 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

Provisions as to forecourts.

A.D. 1928. 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.

Power to vary width of carriage-ways and footways.

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

Direction signs.

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

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

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section. A.D. 1928.

(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.

27.—(1) If the Corporation shall by resolution determine that any banner streamer sign or lettering suspended across or hung over any street within the city 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 street across or over which such banner streamer sign or lettering is suspended or hung 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.

(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 eighteenth day of November nineteen hundred and twenty-seven.

(4) Any person aggrieved by any requirement of any notice of the Corporation under this section or the withholding of permission by the Corporation or the conditions attached to any such permission under the

A.D. 1928. — provisions of this section 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. Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section.

As to urgent repairs of private streets.

28. Where in the opinion of the Corporation repairs the cost of which will not exceed five pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect the operation in regard to such street at any subsequent date of the Private Street Works Act 1892 or of section 19 (As to urgent repairs of private streets) of the Public Health Acts Amendment Act 1907.

Planting of trees &c. in private streets.

29.—(1) The Corporation may when carrying out any private street works with the consent in writing of the greater part in rateable value of the owners of the houses or land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do anything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Corporation under this section shall be deemed part of the expenses of carrying out the private street works in such street. Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street :

Provided also 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 an Act of Parliament and the Corporation shall be deemed to be the undertakers.

(2) For the purposes of this section the term "owner" has the same meaning as in the Public Health Acts. A.D. 1928.

30. Section 31 of the Public Health Acts Amendment Act 1907 as extended by section 24 of the Act of 1923 shall be read and have effect in the city as if the words "a court of summary jurisdiction" were substituted for "the Local Government Board." Amendment of section 31 of Public Health Acts Amendment Act 1907.

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

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

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

32.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil pipe is stopped up or otherwise defective the medical officer 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. As to defective drains &c.

(2) Upon any proceedings under this section the court may inquire whether any requirement 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

A.D. 1928. make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

As to repair
of drains.

33. 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 the Corporation think fit.

Saving for
railway
companies.

34. Nothing in this Part of this Act except the section whereof the marginal note is "As to repair of hoardings" shall apply to any building (not used as a dwelling-house) or work constructed or to be constructed by a railway or canal company as a part of or for the purposes of their railway or canal under any statutory powers or to any lands held or acquired or which may hereafter be held or acquired by such company and used for the purposes (other than for a dwelling-house) of their railway or canal with the authority of Parliament.

PART V.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Dairymen to
furnish lists
of customers
in certain
cases.

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

(2) Every person wilfully or knowingly offending against this enactment shall be liable to a penalty not

exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1928.

36. Notwithstanding anything contained in section 3 (Interpretation) of the Act of 1923 the word "child" shall for the purposes of the undermentioned sections of that Act mean a person under the age of sixteen years and the word "children" shall for the said purposes be construed accordingly.

As to meaning of "child" &c. in certain sections of Act of 1923.

The sections of the Act of 1923 in this section referred to are the following (namely):—

Section 79 (Power to close Sunday schools and exclude children from entertainments);

Section 80 (Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails);

Section 81 (Special provisions to prevent spread of infectious diseases).

37.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) within the city 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 any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

Disinfection in case of tuberculosis.

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

A.D. 1928. any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

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

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

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

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

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

(4) The provisions of this section shall apply in relation to the cleansing and disinfecting of any boat or vessel within the city used for human habitation in the same manner as they apply to the cleansing and disinfecting of buildings so used.

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

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—
Cleansing of
dwelling-
houses in
certain
cases.

39.—(1) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the city without the previous approval of the Corporation.

Prohibition
of tents
vans &c.

(2) It shall not be lawful for any person without the previous consent of the Corporation to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

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

(4) This section shall not apply to (a) a tent van shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (b) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

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

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

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

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the 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 with 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 interests 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 for by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

A.D. 1928.

(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.

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

Byelaws as to lodgings-houses.

(1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof:

(2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

42. The Corporation may exercise the powers of an urban authority under section 22 of the Public Health Acts Amendment Act 1890 (which relates to the provision of sanitary conveniences in workshops and manufactories) on the report of the medical officer or the sanitary inspector as well as on the report of the surveyor.

As to powers of requiring sanitary conveniences for manufactories &c.

43.—(1) Public notice of the provisions of this Part of this Act shall be given within one month after the passing of this Act by advertisement in two newspapers circulating in the city and by a notice affixed outside each of the town halls in the city and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

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

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an

A.D. 1928. — officer or servant of the Corporation that the notice required by this section has been affixed outside the town hall Stoke and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

PART VI.

COMMON LODGING-HOUSES.

As to periods of letting as affecting common lodging-houses.

44. No house or part of a house within the city shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this Part of this Act or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

Power to refuse registration of common lodging-houses.

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

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

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

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

(4) If the registration or renewal of registration be refused upon the ground that the premises are not suitable or suitably equipped for the purposes of a common lodging-house the court shall have power to

appoint a person being a properly qualified surveyor or architect to examine and report to them upon the condition of such premises and their suitability for the purposes of a common lodging-house.

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

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

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

Further provisions as to registration of common lodging-houses.

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

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

Byelaws as to common lodging-houses.

48. Notice shall be given to the Corporation of the death of any common lodging-house keeper forthwith after the same shall have occurred and the right by section 77 of the Public Health Act 1875 conferred upon the widow or any member of the family of a common lodging-house keeper to keep such common lodging-house open and to receive lodgers therein for four weeks after such

Procedure on death of common lodging-house keeper.

A.D. 1928. death without registration shall not be exerciseable unless such notice shall have been duly given.

Public
notice of
Part VI of
Act.

49. Within one month after the passing of this Act the Corporation shall give notice of the provisions of this Part of this Act to the keeper of every common lodging-house in the city.

PART VII.

HUMAN FOOD.

Byelaws as
to meat.

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

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

(a) that any person bringing any meat or any part of the carcase of an animal into the city shall give to the medical officer reasonable notice thereof in writing and of the day and hour and place in the city at which the meat can be inspected as aforesaid; and

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

(3) Before making any such byelaws relating to the retail meat trade the Corporation shall give not less than one month's notice to the City of Stoke-on-Trent and District Retail Butchers' Association of the Corporation's

intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association thereon before they submit the same to the Minister of Health for confirmation and such association shall be entitled to make representation to the Minister of Health with regard thereto.

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(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1922 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

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

Byelaws as to transport of food.

52. At least one month before applying to the Minister of Health for confirmation of any byelaws made under the section of this Act whereof the marginal note is "Byelaws as to transport of food" applicable to the transport by a railway company of food the Corporation shall give notice to the railway company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws.

For protection of railway companies under this Part of this Act.

53.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment.

Power to prohibit persons in advanced stage of tuberculosis from handling &c. food.

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

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

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

Medical practitioners to notify cases of food poisoning.

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

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

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

Extension of powers of section 72 of Public Health Act 1925.

55. Section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 (except paragraphs (d) and (e) of subsection (2) of that section) shall apply so far as applicable to a yard in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

Further powers in relation to unsound food.

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

Provided that the extended powers conferred by this section on the medical officer or sanitary inspector may be exercised by any veterinary surgeon appointed by the Corporation : A.D. 1928.

Provided also 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.

57.—(1) Any premises used or proposed to be used for— Registration
of premises
used for
manufac-
ture &c. of
potted
meats and
ice-cream.

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

(b) the manufacture or sale of ice-cream;

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

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

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

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

58. Any person taking or introducing or causing to be taken or introduced any fats which are unfit for the food of man into any premises in which any food for man into the composition of which fat enters is manufactured or prepared for sale or into any premises directly or indirectly connected by a passage pipe or in any other way with any such premises (except so far as such passage pipe or other connection as the case may be is required Restriction
on taking
inedible fats
into pre-
mises where
food is
prepared.

A.D. 1928.

or used for sanitary or other similar purposes and not in connection with the manufacture or preparation hereinbefore mentioned) shall for each offence be liable to a penalty not exceeding five pounds unless he can prove that such fats were not taken or introduced into such premises for the purpose of being used and have not been used as an ingredient in the manufacture or preparation of any food for man.

Penalty on
original
vendor of
unsound
food.

59.—(1) Where it is shown that any animal or article liable to be seized under sections 116 and 119 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) or under any enactment relating to the city and found in the possession of any person was sold to him by another person for the food of man (the proof that the same was not sold for the food of man resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 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.

(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 is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical

officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

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

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

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

As to street
vendors of
food.

62.—(1) Public notice of the provisions of this Part of this Act shall be given within one month after the passing of this Act by advertisement in two newspapers circulating in the city and by a notice affixed outside the town hall Stoke and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

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

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an officer or servant of the Corporation that the notice required by this section has been affixed outside the town hall Stoke and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

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PART VIII.

TRAFFIC AND HACKNEY CARRIAGES.

Regulations
for con-
trolling
traffic.

63.—(1) The Corporation may from time to time make regulations prescribing within all or any one or more of the central areas defined in subsection (9) of this section—

- (a) the streets in which vehicular traffic shall pass in one specified direction only either generally or during specified hours;
- (b) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers.

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister of Transport for his approval and shall give notice of the subject matters of the regulations by advertisement in a local newspaper circulating in the city and in the London Gazette and in such other manner (if any) as the said Minister may direct. The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the said Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(3) The Minister of Transport shall consider any regulations submitted to him, by the Corporation and any representations thereon which may be duly made and may approve the regulations with or without modifications or may disapprove the same.

(4) Before approving any regulations the Minister of Transport may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person

holding the inquiry and a sum to be fixed by the said Minister for the services of such person. A.D. 1928.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the city and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The regulations shall take effect as approved by the Minister of Transport and shall come into force on a date to be fixed by him.

(7) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a local newspaper circulating in the city and otherwise in such manner as may be prescribed by the Minister of Transport and shall also during the continuance of any regulation approved under paragraph (a) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the said Minister indicating the effect of the regulation and the street to which it relates.

(8) As respects any regulation made and approved under this section (subject to any modification or extension made by the Minister of Transport as aforesaid) any person who—

- (a) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (a) of subsection (1) of this section and a warning notice shall have been erected pursuant to subsection (7) of this section in contravention of such regulation; or
 - (b) shall contravene any regulation under paragraph (b) of subsection (1) of this section;
- shall be liable to a penalty not exceeding forty shillings.

(9) In this section—

(a) "The central area" means all or any one or more of the following areas respectively (that is to say):—

- (i) So much of the city as is situate within a distance of five hundred yards from Tunstall Town Hall;

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(ii) So much of the city as is situate within a distance of five hundred yards from Burslem Town Hall;

(iii) So much of the city as is situate within a distance of five hundred yards from the centre of Fountain Square Hanley;

(iv) So much of the city as is situate within a distance of five hundred yards from a point in the centre of the road at the junction of Campbell Place with High Street Stoke-on-Trent;

(v) So much of the city as is situate within a distance of five hundred yards from Longton Town Hall:

(b) "Specified" means specified in any regulations made or approved under this section.

(10) The Minister of Transport on the application of any company body or person running omnibuses in the city or appearing to him to be sufficiently interested and alleging that any regulation made under this section is unsuitable for the traffic requirements of the city or has been unfairly enforced may if satisfied as to the correctness of such allegation and after considering any representations made to him by the Corporation modify or extend the regulation to which the application relates.

Regulations
as to stands
or stopping
places for
omnibuses.

64.—(1) The Corporation may make regulations prescribing within the city—

(a) as respect omnibuses in general or omnibuses of any particular class or used on any particular route or running according to a published timetable the stands which may be occupied exclusively by them and the places where they may stop for longer than is necessary for the purpose of picking up and setting down passengers; and

(b) the time during which any omnibus shall be allowed to remain at a prescribed stand or stopping place;

and any omnibus standing upon any such stand or stopping places in accordance with regulations made under this section shall be deemed to be within the

exception in the ninth paragraph of section 28 of the Town Police Clauses Act 1847. A.D. 1928.

(2) Upon the coming into force of the regulations first made under this section the sixth paragraph of section 6 of the Town Police Clauses Act 1889 shall cease to extend to the city and any byelaws made by the Corporation under that paragraph shall be repealed.

(3) Where the Corporation propose to make regulations under this section they shall cause notice of their proposal and a statement of the effect of the proposed regulations to be published in at least one newspaper circulating within the city and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the city.

(4) Every such notice shall indicate the date (which shall not be less than twenty-eight days) within which any objection to the regulations shall be sent in writing to the Corporation and shall contain a notification of the place at which copies of the proposed regulations may be obtained free of charge.

(5) The Corporation shall consider and determine any objection to the proposed regulations which is sent to them in writing within the time fixed in that behalf and shall send notice of their decision to the objector who if he is dissatisfied with their decision may within fourteen days after the receipt of the notice appeal to the Minister of Transport.

(6) A notification of the right of appeal under this section shall be included in any notice sent by the Corporation of their decision on an objection to the regulations and upon any appeal being made to the Minister of Transport notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the Corporation.

(7) The Minister of Transport shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

(8) Before making any order under this section the Minister of Transport may and if an appeal duly made is not withdrawn shall (unless the appeal appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the

A.D. 1928. Ministry of Transport Act 1919 and the provisions in subsections (4) and (5) of the section of this Act of which the marginal note is "Regulations for controlling traffic" as to expenses and notices of local inquiries shall extend to any local inquiry so directed by the said Minister.

(9) Where an objection has been made to regulations proposed by the Corporation under this section the regulations shall not be sealed by the Corporation until after the expiration of the time within which an appeal may be made by the objector to the Minister of Transport or if an appeal to the said Minister has been made by the objector until after the determination or withdrawal of the appeal.

(10) Any company body or person running omnibuses in the city may at any time apply to the Minister of Transport to modify any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the city or has been unfairly enforced and upon any such application the said Minister after considering any representations made to him by the Corporation may modify the regulation to which the application relates.

(11) Notwithstanding anything contained in this section no regulation shall be made by the Corporation under this section so as to interfere with or render less convenient the access to or exit from any station hotel or depôt of the London Midland and Scottish Railway Company except with their consent in writing.

Evidence of regulations made by Corporation.

65. Section 24 of the Municipal Corporations Act 1882 which relates to the proof of byelaws shall extend to regulations made by the Corporation as that section extends to byelaws so made.

Power to stop traffic on occasions of emergency.

66. It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on emergency to cause barricades to be erected across any of the streets of the city 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.

Notice of processions to be given.

67.—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus

procession or procession of wild animals through the streets of the city (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the chief constable of the city by leaving such notice at the central police station in the city twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

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

68. The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage if the applicant (not being a railway company) fails to satisfy them that he effects and keeps on foot an insurance with a responsible insurance company against or makes adequate financial provision for meeting any liability that may be incurred by him in respect of any injury or damage occasioned by such hackney carriage to any person or property.

Insurance
by hackney
carriage
proprietors.

69.—(1) Section 107 (Power to regulate omnibus routes) of the Act of 1923 is hereby extended so as to enable the Corporation when licensing an omnibus to ply for hire within the city to attach and the Corporation may attach to any such licence any one or more of the following conditions (namely):—

Extension
of section
107 (Power
to regulate
omnibus
routes) of
Act of 1923.

- (a) Conditions requiring the applicant to the satisfaction of the Corporation to effect and keep on foot an insurance with a responsible insurance company against or (to the like satisfaction) to make adequate financial provision for meeting any liability that may be incurred by him in respect of any injury or damage occasioned by such omnibus to any person or property:
- (b) Conditions requiring the establishment and maintenance of a regular service of omnibuses including a reasonable service for artisans mechanics and daily labourers morning and evening to a time-table to be prepared by the

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applicants and deposited with the chief constable such time-table not to be varied except by seven days' notice. Provided that no conditions requiring any such time-table shall be attached to any licence to ply for hire on any route unless a similar condition shall be attached to any other licence to ply for hire on that route;

Either the holder of the licence or the Corporation may require such timetable to be varied and should a dispute arise between the holder of the licence and the Corporation as to the reasonableness of such variation the matter shall be determined in the same manner as is by this section provided with respect to the determination of any condition attached by the Corporation to any licence in respect of which the proprietor of any omnibus deems himself to be aggrieved:

(c) Conditions securing that the omnibuses to be used for any particular route shall be in design construction and equipment suitable to that route: and

(d) (i) Conditions securing that the Corporation shall have the right at any time of appealing to the Minister against the maximum fares charged by a licensee upon any service of omnibuses in the city any such appeal to be determined in the same manner (*mutatis mutandis*) as is by this section provided with respect to the determination of any condition attached by the Corporation to any licence in respect of which the proprietor of any omnibus deems himself to be aggrieved;

(ii) In the event of any such condition being attached to any licence the holder thereof may at any time after the Minister has so determined the maximum fares at intervals of at least six months appeal to the Minister to reconsider the maximum fares so determined on the ground that circumstances have arisen which justify a revision of such maximum fares and any such appeal shall be determined in like manner;

(iii) If the proprietor of any omnibus charges any fares in excess of the maximum fares from

time to time determined by the Minister he shall for the purpose of this section be deemed to have permitted the same to ply for hire contrary to a condition endorsed on his licence therefor. A.D. 1928.

(2) The provisions of subsections (2) (4) and (5) of section 107 of the Act of 1923 shall apply and have effect (mutatis mutandis) for the purposes of this section as if the same had been re-enacted therein.

(3) The provisions of this section shall to the extent that the subject matters thereof are dealt with by any general Act passed by Parliament in any future session cease to have effect upon the coming into operation of such general Act.

70. Every person who shall ride upon or cause himself to be carried or drawn by any vehicle without the consent of the owner or driver or conductor or inspector in charge thereof shall be liable to a penalty not exceeding forty shillings. Unauthorised riding upon vehicles.

PART IX.

SALE OF COKE.

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

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

(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or other

A.D. 1928. officer appointed for the purpose by the Corporation he shall be liable to a penalty not exceeding five pounds.

Power to
require
weighing or
re-weighing
of coke and
vehicles.

72.—(1) Any purchaser of coke in a quantity exceeding two hundredweight and any inspector of weights and measures or other officer appointed for the purpose by the Corporation may subject as hereinafter provided require that any coke sold as mentioned in the section of this Act of which the marginal note is "Weight ticket or note on delivery of coke over two hundredweight" or any vehicle used for the carriage of such coke be weighed or re-weighed by an instrument stamped by an inspector of weights and measures.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight and any inspector of weights and measures or other officer appointed for the purpose by the Corporation may subject as hereinafter provided require that any coke sold offered or exposed for sale as mentioned in the section of this Act of which the marginal note is "Regulating sale of coke under two hundredweight" be weighed or re-weighed or measured or re-measured by an instrument or measure stamped by an inspector of weights and measures.

(3) Provided that—

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

(b) where any such coke or vehicle has at the instance of the purchaser been weighed or re-weighed in pursuance of this section and found to be of not less than the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing measuring or re-measuring.

(4) If any person obstructs any weighing or re-weighing measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

(5) Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this section or under any of the preceding sections of this Part of this Act.

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

Regulating
sale of coke
under two
hundred-
weight.

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

(3) Any person who shall fail to comply with the provisions of either of the two preceding subsections of this section shall be liable on the first occasion to a penalty not exceeding forty shillings and on the second or any subsequent occasion to a penalty not exceeding five pounds.

(4) If the seller or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale in quantities not exceeding two hundredweight wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

74.—(1) The seller or person in charge of any vehicle from which coke is sold by weight in quantities exceeding fourteen pounds within the city shall carry on such vehicle a weighing instrument or suitable measure of a type approved by the Corporation stamped by an inspector of weights and measures.

Weighing
instrument
or measure
to be carried
on vehicle.

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(2) Any person who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding five pounds.

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

75.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers circulating in the city and by a notice affixed outside the town hall Stoke and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an officer or servant of the Corporation that the notice required by this section has been affixed outside the town hall Stoke and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

PART X.

FINANCE.

Expenses of execution of Act.

76. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such expenses as are to be paid out of borrowed money) shall be paid out of the general rate fund and the general rate.

Power to borrow.

77.—(1) The Corporation may from time to time independently of and in addition to any other borrowing power borrow at interest for 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 their funds rates revenues and properties and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table which shall be deemed to be the prescribed periods for the

purposes of the enactments applied by this Act A.D. 1928.
(namely) :—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the purposes of the Act of 1926 (in addition to the moneys authorised by that Act to be borrowed for those purposes).	£ 27,000	Twenty years from the date or dates of borrowing.
(b) For paying the costs charges and expenses of obtaining this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

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

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by that Minister and that period shall be the prescribed period for the purposes of the enactments incorporated herewith.

(c) 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.

(3) The provisions of this section prescribing the fund and rate which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 130 (Power to use one form of mortgage for all purposes) of the Act of 1923 as applied for the purposes of this Act.

78. Subject to the provisions of this Act the following sections of the Acts of 1922 1923 and 1926 shall extend and apply to the moneys borrowed under and to the purposes of this Act as if those provisions were with all necessary modifications re-enacted in this Act (namely) :—

Application of sections of Acts of 1922 1923 and 1926 as to borrowing.

The Act of 1922—

Section 4 (Interpretation);

Section 55 (Section 234 of Public Health Act not to apply);

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- Section 56 (Mode of raising money);
 Section 57 (Provisions of Public Health Act as to mortgages to apply);
 Section 58 (Method of payment off of money borrowed);
 Section 60 (Protection of lender from inquiry);
 Section 61 (Corporation not to regard trusts);
 Section 62 (Appointment of receiver);
 Section 63 (Power to re-borrow);
 Section 66 (Application of money borrowed).

The Act of 1923—

- Section 130 (Power to use one form of mortgage for all purposes);
 Section 131 (Receipt in case of person not sui juris);
 Section 132 (Power to use sinking fund instead of borrowing);
 Section 133 (Evidence of transmission of securities).

The Act of 1926—

- Section 14 (Return to Minister of Health with respect to repayment of debt).

Sinking
fund.

79.—(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." A.D. 1928.

(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.

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

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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

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

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

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

Investment
of and pay-
ments into
sinking
fund.

The accumulations of the said yearly sums shall be paid and provided out of the general rate fund and general rate and any interest dividends and 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.

81.—(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-nine the Corporation may (if they think fit) establish a fund to be called "the consolidated loans fund" to which shall be paid as and when they are received—

Consoli-
dated loans
fund.

- (a) all moneys borrowed by the Corporation whether by issue of bonds 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

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- assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose;
- (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
 - (d) a sum or sums equal to the aggregate amount of all dividends and interest payable in each year on bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

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 on 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 bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation;
- (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
- (c) in the payment of dividends and interest on the bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

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 accumulations arising from the investments thereof shall not except with the consent of the Minister of Health be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all bonds 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.

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(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of bonds 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.

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

As to section 234 of Public Health Act 1875.

83. Notwithstanding anything contained in this Act or 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 superannuation 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

A.D. 1928.
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balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Period for
repayment of
loans under
Municipal
Corporations
Act 1882.

84. 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.

Interest on
securities
held jointly.

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

Application
of revenue
and pay-
ment of

86.—(1) Subject to the provisions of subsection (3) of this section all money received by the Corporation on account of the revenue of the gas and electricity undertakings of the Corporation (including any income arising

from the investment of any reserve funds authorised by the section of this Act of which the marginal note is "Reserve funds of certain undertakings") 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.

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—
expenses of
under-
takings.

(2) The Corporation may (if they think fit) apply money received by them on account of the revenue of the gas undertaking in the construction renewal extension and improvement of the works and conveniences for the purposes of the said undertaking or in the provision of funds for working capital for such undertaking.

(3) Notwithstanding that this Act was passed after the commencement of the Electricity (Supply) Act 1926 this section and the sections of this Act of which the marginal notes respectively are "Accounts" and "Reserve funds of certain undertakings" shall for the purposes and within the meaning of section 43 (2) of the Electricity (Supply) Act 1926 be deemed to be provisions corresponding to the provisions of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and nothing contained in this Act shall be deemed to authorise the Corporation to apply or dispose of the net surplus revenue and the annual proceeds of the reserve fund 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.

(4) All moneys arising from the disposal of lands acquired by the Corporation for the purposes of their electricity undertaking and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

- (a) In the reduction of the capital moneys borrowed by them for electricity purposes;
- (b) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

87.—(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

Accounts.

A.D. 1928. or division in respect of each of the following undertakings (that is to say):—

- (i) the gas undertaking;
- (ii) the electricity undertaking;

(each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking and in the case of the gas undertaking the interest on the debentures of the Company;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed 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 from time to time authorised to maintain.

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

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

88.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of the gas undertaking and the electricity undertaking of the Corporation by setting aside such an amount as they may from time to

Reserve
funds of
certain
under-
takings.

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time think reasonable and (unless the amounts so set aside are applied under the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds") investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding in the case of either of the said undertakings a sum equal to one-fifth of the aggregate capital expended for the time being by the Corporation upon such undertaking.

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

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that 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.

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

89. Whenever the separate heading or division of the accounts in relation to the gas undertaking shall show in any year that the revenue exceeds the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of the section of this Act of which the marginal note is "Accounts" then the charges of the Corporation for gas supplied within the city to be made and charged in the next succeeding year shall be reduced in such manner as the Corporation think fit to an extent equivalent to the amount of such excess Provided that if owing to an increase in the estimated expenditure or to a reduction in the estimated revenue for the said next

Provision
for reduc-
tion of gas
charges in
certain
events.

A.D. 1928. — succeeding year the amount of such excess or any part thereof will be required in order that the revenue may not be less than the amount to be expended or set aside the reduction in charges may be such only as will reduce the revenue by the amount of the balance of such excess.

Insurance
fund.

90.—(1) The Corporation may if they think fit establish a fund to be called “the insurance fund” with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

- (i) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;
- (ii) Risk of accident and claims by third parties in respect of scavenging vehicles motor cars and motor transport and horse-drawn vehicles and generally in the carrying out by the Corporation of their duties as a local authority;
- (iii) Risk of explosion in respect of boilers;
- (iv) Risks under the common law the Employers’ Liability Act 1880 the Workmen’s Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;
- (v) Risks of injury to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises of or leased to the Corporation;
- (vi) Risks of mechanical or electrical breakdown at or in connection with any of the electricity works of the Corporation;
- (vii) Risks of loss due to infidelity of officials of the Corporation;
- (viii) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

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(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last mentioned insurance be equal to the aggregate amount aforesaid.

(4) When the insurance fund shall amount to two hundred and fifty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below two hundred and fifty thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of two hundred and fifty thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premiums of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being

A.D. 1928. — standing to the credit of the fund shall (subject to the provisions of this Act) be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of two hundred and fifty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities may be carried to the credit of the borough fund.

(7) For the purposes of this section the Corporation may if they deem it expedient and by arrangement with the managers of any public elementary school or the governing body of any college secondary school institute or hostel not provided by the Corporation as the local education authority include in the risks insured under paragraph (iv) of subsection (1) of this section risks of accident to any teacher employed in any such school college institute or hostel.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister of Health and on such security as that Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the borough fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings or departments of the Corporation and in such proportions as the Minister of Health may direct having regard to the risks through which such deficiencies arise.

Appointed
auditors.

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

A.D. 1928.

(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 city.

(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.

PART XI.

MISCELLANEOUS.

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

Ejection of steam and waste gas to annoyance of public.

(2) Any person who shall cause or permit steam or waste gas to be ejected or discharged contrary to the provisions of this section shall be liable to a penalty not

A.D. 1928. — exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

Silencers for internal combustion engines.

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

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

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

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

Control of petrol pumps.

94.—(1) Every pump or other apparatus or appliance for the supply within the city by way of sale of petrol or other like fuel into the tanks of motor vehicles or into receptacles for filling such tanks shall for the purposes of the following provisions of the Weights and Measures Acts 1878 to 1904 be deemed to be a measure or measuring instrument and the said provisions shall so far as applicable extend and apply thereto accordingly :—

Weights and Measures Act 1878—

Section 25 (Penalty on use or possession of unjust measures weights balances or weighing machines) as amended by the Weights and Measures Act 1889 ;

Section 26 (Penalty for fraud in use of weight measure balance &c.) as amended by the Weights and Measures Act 1889 ;

- Section 27 (Penalty on sale of false weight measure balance &c.); A.D. 1928.
 Section 28 (Stamping of weights and measures with denomination) as amended by the Weights and Measures Act 1904;
 Section 29 (Stamping of verification on measures and weights);
 Section 32 (Forgery &c. of stamps on measures or weights);
 Section 44 (Verification and stamping by inspectors of weights and measures);
 Section 48 (Power to inspect measures weights scales &c. and to enter shops &c. for that purpose);
 Section 49 (Penalty on inspector for misconduct);
 Section 53 (Power to local authority to make bye-laws as to local verification &c.);
 Section 56 (Prosecution of offences and recovery of fines);
 Section 57 (Provisions as to summary proceedings) as amended by the Weights and Measures Act 1904;
 Section 58 (Limitation as to conviction for second offences);
 Section 59 (Evidence as to possession);
 Section 60 (Appeal from conviction); and
 Section 61 (Provision as to action against person acting in execution of Act).

Weights and Measures Act 1889—

- Section 1 (Verification of weighing instruments);
 Section 4 (Liability to imprisonment in cases of fraud) as amended by the Weights and Measures Act 1904;
 Section 7 (Working standards) as amended by the Weights and Measures Act 1904;
 Section 9 (General regulations);
 Section 13 (Fees for verification and stamping by inspectors) as amended by the Weights and Measures Act 1904;

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Section 14 (Publication of convictions);
The First Schedule (Fees to be taken on the verification and stamping of weights measures and weighing instruments by inspectors of local authorities) so far as that schedule remains unrepealed.

Weights and Measures Act 1904—

Section 5 (Powers of Board of Trade as to general regulations);

Section 9 (Fees for verification and stamping);
and

Section 12 (Verification and stamping by local inspectors of weights and measures).

(2) The provisions of this section shall cease to have effect on and from the date on which such pumps or other apparatus or appliances as are referred to in this section are made subject to verification and stamping by any regulations made under any general Act.

Penalty on occupier refusing execution of Act.

95. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part IV (Streets buildings sewers and drains) Part V (Infectious disease and sanitary provisions) Part VI (Common lodging-houses) and Part VII (Human food) of this Act or under the section of this Act of which the marginal note is "Silencers for internal combustion engines" 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 two pounds 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.

As to appeal.

96. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval

of or by the Corporation or of or by any officer of the Corporation under the provisions of Part IV (Streets buildings sewers and drains) Part V (Infectious disease and sanitary provisions) Part VI (Common lodging-houses) and Part VII (Human food) of this Act or under the section of this Act of which the marginal note is "Silencers for internal combustion engines" or by any conviction or order by a court of summary jurisdiction under the said provisions 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.

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97. The following sections of the Act of 1923 are incorporated with this Act and shall extend and apply thereto as if those sections with all necessary modifications were re-enacted in this Act (namely):—

Incorporation of sections of Act of 1923.

- Section 138 (General provisions as to byelaws);
- Section 141 (Informations by whom to be laid);
- Section 142 (Damages and charges to be settled by court);
- Section 143 (Recovery of demands);
- Section 144 (Recovery of penalties &c.);
- Section 146 (Compensation how to be determined);
- Section 150 (Apportionment of expenses in case of joint owners);
- Section 152 (Application of section 265 of Public Health Act 1875);
- Section 154 (Inquiries by Minister of Health);
- Section 156 (Powers of Act cumulative);
- Section 157 (Saving for indictments &c.);
- Section 158 (Judges &c. not disqualified);
- Section 160 (Saving the right of His Majesty in right of His Duchy of Lancaster);
- Section 161 (Crown rights).

98. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act or any

Inquiries by Minister of Transport.

A.D. 1928. — existing Act or Order of or applicable to the Corporation the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words “under the seal of the Minister of Transport” were substituted for the words “by writing under the hand of the President or of one of the secretaries of the Board.”

Repeal of certain provisions of Acts of 1922 and 1923.

99. The following provisions of the Act of 1922 and the Act of 1923 are hereby repealed:—

The Act of 1922—

Section 67 (Application of revenue of gas undertaking);

Section 68 (As to deficiency in receipts).

The Act of 1923—

Section 21 (Application of revenue of electricity undertaking);

Section 22 (As to deficiency in receipts);

Section 128 (Application of sections of Act of 1922 as to borrowing) so far as the said section applies section 59 (Sinking fund) of the Act of 1922 to moneys borrowed under and to the purposes of the Act of 1923.

Costs of Act.

100. 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 out of the general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose.

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