

**CHAPTER xlviii.**

An Act to authorise the mayor aldermen and citizens of the city of Exeter to construct street works and a tramway to acquire lands for various purposes and to provide and work omnibuses and to confer further powers upon the said mayor aldermen and citizens with regard to their tramways water and electricity undertakings and the health local government and improvement of the city and for other purposes. A.D. 1928.

[2nd July 1928.]

WHEREAS the city and county of the city of Exeter (in this Act called "the city") is a municipal borough under the government of the mayor aldermen and citizens thereof (in this Act called "the Corporation") and the Corporation acting by the Council are the urban sanitary authority for the city :

And whereas it is expedient to empower the Corporation to construct the street works and to purchase the lands referred to in this Act for the several purposes mentioned in this Act :

And whereas it is expedient to confer further powers upon the Corporation with reference to the retention disposal and development of lands acquired by them in connection with the execution of the street works authorised by this Act but not required for such works and also of other lands :

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And whereas the Corporation are the owners of a tramways undertaking and it is expedient to empower them to construct maintain and make the additional tramway in the city which is referred to in this Act and to confer further powers upon them in relation to their tramways undertaking :

And whereas certain powers with regard to the running of omnibuses were conferred upon the Corporation by the Exeter Corporation Act 1903 and it is expedient to confer further powers upon the Corporation with reference to the running of omnibuses by them within the city :

And whereas the Corporation are the owners of waterworks and supply water within the city and in certain places in the neighbourhood thereof and it is expedient to make further provision with regard to the water undertaking of the Corporation and the supply of water by them :

And whereas the Corporation are also the owners of an electricity undertaking by means of which they supply electricity within the city and within certain portions of the rural district of Saint Thomas and it is expedient to make further provision with regard to the electricity undertaking of the Corporation and the supply of electricity by them :

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

And whereas it is expedient to provide for the formation of a consolidated loans fund by the Corporation and to make further provision with regard to the finances of the Corporation and the application of revenue derived from their several undertakings :

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

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

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

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The purchase of lands - - - -	40,000
The construction of the street works authorised by this Act - - - -	40,000
The construction of the tramway authorised by this Act - - - -	18,000
The electrical equipment of the said tramway - - - - -	2,750
The provision of omnibuses - - - -	15,000
The erection of buildings in connection with the omnibus undertaking of the Corporation - - - - -	10,750

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

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Devon and the clerk of the peace for the county of the city of Exeter and are hereinafter respectively referred to as the deposited plans sections and book of reference:

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Exeter Corporation Short title. Act 1928.

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Division of
Act into
Parts.

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

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Street works.
- Part IV.—Tramways and omnibuses.
- Part V.—Water.
- Part VI.—Electricity.
- Part VII.—Streets buildings sewers and drains.
- Part VIII.—Infectious disease and sanitary.
- Part IX.—Police and hackney carriages.
- Part X.—Finance and miscellaneous.

Incorporation
of Acts.

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

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

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

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

(b) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870 :

Provided that section 19 shall be read and have effect as if the words " but nothing in this Act contained shall authorise any local authority to place and run carriages upon such tramways and to demand and take tolls and charges in respect of the use of such carriages " were omitted from that section.

Interpre-
tation of
terms.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health

Acts 1875 to 1925 have the same respective meanings unless there be something in the subject or context repugnant to such construction. A.D. 1928.

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

“The city” means the city and county of the city of Exeter;

“The Corporation” means the mayor aldermen and citizens of the city;

“The council” means the council of the city;

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

“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 borough fund and the borough rate of the city;

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

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

“The Corporation tramways” has the meaning assigned to it by section 3 (Interpretation) of the Act of 1903;

“The Minister” means the Minister of Health;

“The water limits” means the limits for the time being of the Corporation for the supply of water;

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“The electricity limits” means the limits for the time being of the Corporation for the supply of electricity;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the city;

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

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

“Food” has the meaning assigned to it by section 26 (Definition of “food”) of the Sale of Food and Drugs Act 1899;

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

“Hackney carriage” has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus;

“Statutory borrowing power” “statutory security” and “revenues of the Corporation” have the meanings assigned to them respectively by section 2 (Interpretation) of the Act of 1922;

“The Act of 1900” “the Act of 1903” and “the Act of 1922” mean respectively the Exeter Corporation Act 1900 the Exeter Corporation Act 1903 and the Exeter Corporation Act 1922;

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

“The Gas Company” means the Exeter Gaslight and Coke Company.

PART II.

LANDS.

Power to
take lands.

5.—(1) Subject to the provisions of this Act the Corporation may (in so far as they are not already possessed of the same) enter on take and use such of the lands delineated on the deposited plans and described

in the deposited book of reference as they may require A.D. 1928.
for the following purposes :—

- (a) For and in connection with the construction of the street works authorised by Part III (Street works) of this Act and for the provision of space for the erection of buildings adjoining or near to such works and for other the purposes of the said Part III;
- (b) For the purposes of a pleasure and recreation ground;
- (c) For the purpose of enlarging extending and improving the public slaughter-houses of the Corporation.

(2) From and after the date of the purchase by the Corporation of the lands referred to in subsection (1) (b) of this section the Corporation may exercise in relation to the whole or any part of those lands all or any of the powers conferred upon an urban authority by the Public Health Acts with respect to any lands acquired by them for the purpose of cricket football and other games and recreations in pursuance of section 69 of the Public Health Act 1925.

6. The powers of the Corporation for the compulsory purchase of lands for the purposes of Part III (Street works) of this Act shall cease after the expiration of five years and for the other purposes of this Act after the expiration of three years from the thirty-first day of October nineteen hundred and twenty-eight.

Period for compulsory purchase of lands.

7. The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation by agreement of any lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of this Act.

Purchase of lands for exchange.

8.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Corporation if the Corporation shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein.

Extinction of private rights of way.

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(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Power to enter upon property for survey and valuation.

9. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Benefits to be set off against compensation.

10. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of any new street or of the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such new or existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensation in case of recently acquired interest.

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

12.—(1) The Corporation may lay out and develop any lands acquired by them under the powers of this Act and not required for the purposes of the street works authorised by this Act and (with the consent of the Minister) any other lands belonging to the Corporation and not required for the purposes for which they were acquired 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.

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Power to
develop
lands &c.

(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.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey or lease 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 may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of the street works authorised by this Act or any of them with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

(5) The Corporation shall not (unless the Minister 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

A.D. 1928. not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

Power to Corporation to advance money for erection of buildings.

13.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired by them under the foregoing provisions of this Part of this Act for the purpose of enabling or assisting him to erect buildings on such land provided that any advance shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the land with the intended building erected thereon.

(2) Every such advance shall be repaid with interest at a rate not being less than five per centum per annum within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and such purchaser or lessee.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year as may be agreed between the said purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's written notice and on paying all sums due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the instrument hereinafter referred to) or a multiple of one hundred pounds (or of such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will be reduced where a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by an instrument vesting the ownership of the building in respect of the erection of which the advance is made and the land upon which such building is to be erected or the lessee's

interest therein in the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce the receipts for the premium paid in respect of such insurance to the Corporation when required by them and to keep the building in good repair. A.D. 1928.

(6) The Corporation shall have power to enter the building in respect of the erection of which any advance is made by them by any person authorised by them in writing for the purpose at all reasonable times for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the building in respect of which such advance is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

14.—(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 purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the city (other than the Housing Act 1925 or any enactment repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange: Retention and disposal of lands.

Provided that the Corporation shall not without the consent of the Minister 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

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the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained:

Provided also that 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 have been required if this Act had not been passed.

(2) 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.

(3) Section 62 (Power to retain sell &c. lands) of the Act of 1900 is hereby repealed.

Further
powers for
the acquisition
of land.

15.—(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 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 money so borrowed shall be repaid within such period as may be prescribed by the Minister.

(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.

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

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

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

Proceeds
of sale of
surplus
lands.

(2) Provided that—

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

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(b) the borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Dwelling-houses for persons in Corporation's employment.

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

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

PART III.

STREET WORKS.

Power to construct street works.

18.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street works hereinafter mentioned together with all necessary or proper works and conveniences connected therewith or incident thereto.

(2) The street works hereinbefore referred to and authorised by this Act will be situate in the city and are—

Street Work No. 1 A widening and improvement of Pinhoe Road on the southerly side thereof;

Street Work No. 2 A further widening and improvement of Pinhoe Road on the southerly side thereof;

Street Work No. 3 A new road together with a widening and improvement of Pinhoe Road;

Street Work No. 4 A widening and improvement of Fore Street Heavitree on the northerly side thereof;

Street Work No. 5 A widening and improvement of Fore Street Heavitree on the southerly side thereof; A.D. 1928.
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Street Work No. 6 A widening and improvement of Barnfield Road on the northerly side thereof;

Street Work No. 7 A widening and improvement of Barnfield Road on the southerly side thereof;

Street Work No. 8 A widening and improvement of Blackboy Road on the southerly side thereof;

Street Work No. 9 A widening and improvement of Burnthouse Lane on both sides thereof;

Street Work No. 10 A widening and improvement of Howell Road and Longbrook Terrace on the southerly sides thereof respectively.

19. In the construction of the street works authorised by this Part of this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards or downwards. Limits of deviation.

20.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with and for the purposes of this Part of this Act and as part of the street works to be executed under the powers of this Part of this Act may execute or do any of the following works or things (namely):— Power to make subsidiary works.

(a) make junctions and communications with any existing streets intersected or interfered with by or contiguous to the street works authorised by this Part of this Act or any of them and divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of such works or otherwise;

(b) execute any works for the protection of any adjoining land or buildings;

(c) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and

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(d) raise lower alter divert stop up or otherwise interfere with any tramway drain sewer channel or gas or water main or pipe or electricity wire or apparatus within the said limits providing a proper substitute before interrupting the traffic on any such tramway or the flow of sewage in any drain sewer or channel or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section.

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

Power to
alter steps
areas pipes
&c.

21. Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Application
of road
materials
excavated
in con-
struction of
works.

22. Any paving metalling or material excavated by the Corporation in the construction of any works authorised by this Part of this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Land laid
into streets
to form
part
thereof.

23. All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

PART IV.

A.D. 1928.

TRAMWAYS AND OMNIBUSES.

24. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramway hereinafter described in the lines and according to the levels and in all respects in accordance with the deposited plans and sections with all proper rails plates junctions turn-tables turn-outs crossings passing-places posts poles brackets wires waiting-rooms stables carriage-houses sheds buildings engines dynamos works and conveniences connected therewith Provided that nothing in this Part of this Act shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Power to
make
tramway.

The tramway hereinbefore referred to and authorised by this Act will be situate in the city and is—

A tramway (double line 6 furlongs and 5·5 chains in length) commencing by a junction with the existing tramway in Pinhoe Road at the junction of Cemetery Road with Pinhoe Road and passing thence in an easterly direction along Pinhoe Road and the new road (Street Work No. 3) authorised by this Act and terminating at the point where the said new road intersects Whipton Lane :

Provided that no part of the said tramway shall be constructed along any length of road or street until a space of not less than nine feet six inches shall have been provided between the outside of the footpath on both sides of such length of road or street and the nearest rail of the tramway so to be constructed.

25.—(1) The tramway and works authorised by the section of this Act whereof the marginal note is "Power to make tramway" shall form part of the tramway undertaking of the Corporation and the provisions of the sections of the Act of 1903 hereinafter mentioned and of any byelaws and regulations made in pursuance of that Act or of any enactment incorporated therewith and for

Works to
form part
of tramway
under-
taking.

A.D. 1928. the time being in force shall with the necessary modifications extend and apply to the said tramway and works as if they had been authorised by the Act of 1903 :

Provided that no post or other apparatus shall be erected on any carriageway in connection with the tramway authorised by this Act without the consent of the Minister of Transport.

(2) The sections hereinbefore referred to are—

- Section 5 (Gauge of tramways);
- Section 6 (Rails of tramways);
- Section 7 (Plan of proposed mode of construction);
- Section 8 (Penalty for not maintaining rails and roads);
- Section 9 (Tramways to be kept on level of surface of road);
- Section 10 (Cross-overs to be constructed in certain cases);
- Section 11 (Power to make additional cross-overs and to double tramway lines);
- Section 12 (Application of road materials excavated in construction of works);
- Section 13 (Local authority to have access to sewers);
- Section 14 (Temporary tramways may be made where necessary);
- Section 15 (Period for completion of works);
- Section 16 (Inspection by Board of Trade);
- Section 19 (Motive power);
- Section 20 (Special provisions as to use of electrical power);
- Section 21 (Alteration of telegraphic lines of Postmaster-General);
- Section 22 (For protection of Post Office telegraphic lines) as amended by this Act;
- Section 23 (Reconstruction of tramways and construction of electric works);
- Section 24 (Apparatus used for mechanical power to be deemed part of tramway);

- Section 25 (Attachment of brackets to buildings); A.D. 1928
 Section 26 (Byelaws);
 Section 27 (Byelaws by local authority);
 Section 29 (Fares for passengers);
 Section 30 (Passengers' luggage);
 Section 31 (As to fares on Sundays or holidays);
 Section 32 (Cheap fares for labouring classes);
 Section 33 (Rates for goods);
 Section 34 (Corporation not bound to carry animals and goods);
 Section 35 (Payment of rates);
 Section 36 (Periodical revision of rates and charges);
 Section 37 (Power to work tramways);
 Section 38 (Regulations by Corporation);
 Section 43 (Working agreements);
 Section 46 (Power to acquire patent rights);
 Section 47 (Penalty for malicious damage);
 Section 49 (Orders &c. of Board of Trade);
 Section 50 (Recovery of penalties);
 Section 68 (Application of revenue of tramway undertaking and as to deficiency);
 Section 69 (Apportionment of expenses between tramway and electricity undertakings).

26. Subsection (4) of section 22 (For protection of Post Office telegraphic lines) of the Act of 1903 shall be read and have effect as if the words "generated or used by or supplied to" were inserted in that subsection in substitution for the words "generated by." Amend-
ment of
section 22
(4) of Act
of 1903.

27.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the tramway authorised by this Part of this Act and to lengthen adapt alter and replace such posts standards and brackets for the purpose of Use of
tramway
posts by
Postmaster-
General.

A.D. 1928. supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions :—

- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the said tramway ;
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided ;
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the said tramway or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Minister of Transport arising through the exercise by the Postmaster-General of the powers conferred by this section ;
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards

farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided;

- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road;
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair;
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants;
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided;
- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the said tramway or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage

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or injury be caused by gross negligence on the part of the Corporation their officers or servants;

(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with the tramways of the Corporation or their other undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Corporation" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

28. The Corporation may for the purpose of constructing additional passing-places increase the roadway of any street in which any of the Corporation tramways are laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street and the nearest rail of the tramway by reducing the width of the footpath on each or either side of such street. Provided that no footpath shall be so reduced as to be less than six feet wide :

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Power to reduce footpath for constructing passing-places.

Provided that the Corporation shall not under the powers of this section increase the roadway of any street belonging to or repairable by a railway company or the roadway on any bridge over the railway of any such company or on the approaches to such bridge without the consent of such company which consent shall not be unreasonably withheld.

29.—(1) The Corporation may in such manner as they think fit use the Corporation tramways for sanitary purposes and for the conveyance of scavenging stuff nightsoil road and sewer material coal pipes and any other materials required for or arising at the works of the Corporation and may for such purposes with the consent of the Minister of Transport form connections between any yards or works belonging to the Corporation and any of the Corporation tramways.

Use of tramways for sanitary purposes.

(2) Provided always that in the construction of such connections as aforesaid no rail shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice of their intention express their objection thereto.

30. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking.

Accounts to be furnished to Minister of Transport.

A.D. 1928.

Power to
provide
and run
omnibuses.

31.—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the city:

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

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

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

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

(6) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in upon or against such omnibuses or in or against any premises held by the Corporation in connection therewith.

(7) Section 45 (Omnibuses in connection with tramways) of the Act of 1903 is hereby repealed.

Saving for
railway
companies.

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

Fares and
charges
&c. for
omnibuses.

33.—(1) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses of the Corporation.

fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport.

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Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

Where the said Minister causes any such inquiry as aforesaid to be held all expenses incurred by the said Minister in relation to that inquiry shall be paid as the said Minister may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties and the said Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the said Minister to be paid shall be a debt due to the Crown.

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

(3) The Corporation may if they think fit convey on the omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but the Corporation shall not carry any other goods or animals.

(4) The fares and charges authorised by this Act relating to the omnibuses of the Corporation shall be paid to such persons and at such places upon or near to the Corporation's omnibuses and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares and charges appoint.

34.—(1) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the city.

Working
and other
agreements
with respect
to omni-
buses.

A.D. 1928.

(2) Any such agreement may provide for all or any of the following purposes (that is to say) :—

- (a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided within the city in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services ;
- (b) The supply by the working party under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants ;
- (c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties ;
- (d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

Through
cars and
omnibuses.

35. The Corporation may run through cars and omnibuses along any route on which the Corporation are for the time being authorised to run tramcars or omnibuses and such cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger or parcel carried by such cars or omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car or omnibus. Provided that during the running of such through cars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of tramcars or omnibuses as the case may be.

Power to
reserve
cars and
omnibuses

36.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Corporation may on any occasion run and reserve cars on any of the Corporation tramways and omnibuses on any route on

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

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for special
purposes.

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

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

37. The Corporation may appoint the stations and places from which the cars on the Corporation tramways and the omnibuses of the Corporation shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such tramcars and omnibuses shall be allowed to remain at any such place.

Stopping
and
starting
places.

38.—(1) The Corporation may erect and maintain within the city sheds shelters and waiting-rooms for the accommodation of passengers on any tramway or omnibus routes of the Corporation and may use for that purpose portions of the public streets or roads due regard being given to the convenience of the general traffic along any such street or road.

Shelters
or waiting-
rooms.

(2) If any structure erected by the Corporation under the powers of this section is situate over any mains pipes or apparatus of the gas company laid or placed before the erection of such structure and the gas company at any time after such erection give to the Corporation notice in writing of their desire to obtain access to such apparatus the Corporation shall either remove temporarily such structure or so much thereof as shall require to be so removed in order to afford such access or (if the

A.D. 1928. Corporation determine not to remove such structure or part thereof) bear any additional expense due to the existence of such structure which may reasonably be incurred by the gas company in obtaining such access.

Cloak-rooms &c.

39. The Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their tramway or omnibus undertakings and at suitable places on any tramway or omnibus route of the Corporation and the Corporation may make charges for the use of such cloak-rooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein.

Lost property.

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

Omnibuses to form part of tramway undertaking.

41. The omnibus undertaking authorised by this Act shall be deemed to form part of the tramway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their tramway undertaking the income and expenditure upon and in connection with omnibuses shall (so far as may be reasonably practicable) be distinguished from the income and expenditure upon or in connection with the remainder of such undertaking.

As to byelaws &c. under this Part of this Act.

42. Any byelaws and regulations made by the Corporation under the provisions contained in this Part of this Act shall be subject and according to the provisions of section 46 (Byelaws by local authority. Promoters may make certain regulations) and section 47 (Penalties may be imposed in byelaws) of the Tramways Act 1870 and those provisions shall apply accordingly.

43. The Corporation shall not under the powers of the sections of this Act of which the marginal notes respectively are "Stopping and starting places" "Shelters or waiting-rooms" and "Cloak-rooms &c." (except with the consent in writing of the Great Western Railway Company or the Southern Railway Company under the hand of their secretary or general manager which consent shall not be unreasonably withheld) appoint any stopping or starting place or erect maintain or provide any shed shelter waiting-room cloak-room or room so as to cause interference with the access to or exit from any station or depôt belonging to either such railway company nor without the like consent shall any such shed shelter waiting-room cloak-room or room be erected maintained or provided on any bridge carrying any street or road over the railways of either such railway company or on the approaches to any such bridge.

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For protection of railway companies.

PART V.

WATER.

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

Supply of water to houses partly used for trade &c.

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

(3) The minimum half-yearly charge for a supply of water by measure to any of the premises in this section mentioned shall be one-half of the annual

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amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same rateable value.

Supply of water by hose-pipe to stables &c.

45. When water supplied by the Corporation for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Corporation may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum (and where more motor cars than one are ordinarily kept a further sum not exceeding ten shillings per annum for each motor car beyond the first as the Corporation may prescribe) and any sum charged under the provisions of this section shall be paid half-yearly in advance and be recoverable in the same manner as water rates.

Corporation not bound to supply several houses by one pipe.

46. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Amendment of section 35 of Waterworks Clauses Act 1847.

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

Maintenance of common pipe.

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

Power to Corporation to repair communication pipes.

49.—(1) If by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or

property or to the health of any person it shall be lawful for the Corporation by and under the direction of their duly authorised officer to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

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

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

Injuring
meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring

A.D. 1928. — the proper registering by such meter or instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works, matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable.

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

Inter-
ference with
valves
pipes and
fittings.

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

Further
powers in
relation
to water
mains.

52. The Corporation shall have and may exercise within the water limits the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district of the Corporation. Provided that the Corporation shall not exercise such powers under any lands or property belonging to a railway company without the consent of such company which consent shall not be unreasonably withheld.

Guarantees
by district
councils.

53.—(1) Any rural district council in respect of the part of their district within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums of money at such time or times in such manner and subject to such stipulations as may be

agreed by and between such council and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any pipe or works for the supply of water, within any part of such district which is within the water limits. A.D. 1928.

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

PART VI.

ELECTRICITY.

54. The Corporation may upon the application of the owner or occupier of any premises in the electricity limits abutting on or in process of erection in any street laid out or made and whether dedicated to public use or not supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1926 and of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section:

Power to lay electric lines &c. in private streets.

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

55. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1926 and of the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may construct and maintain in or under any street repairable by the inhabitants at large or dedicated

Power to construct electrical sub-stations under streets.

A.D. 1928. — to public use within the electricity limits sub-stations transforming stations and other works in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient :

Provided that the Corporation shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway of a railway company or the approaches thereto or under any bridge carrying such a railway over a street or within ten feet of any abutment of any such bridge or (b) in any street belonging to or repairable by a railway company and forming the approach to any station or depôt of such company or (c) so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company constructed and maintained under statutory authority except with the consent in writing of the railway company.

Use for
lighting
purposes of
electricity
supplied
for power.

56.—(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.

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

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

Provisions
as to supply
of elec-
tricity by
agreement.

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

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

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Contracts
for supply
of elec-
tricity in
bulk.

58.—(1) (a) The Corporation and any local authority company or person authorised by Act of Parliament or Order confirmed by Parliament or by a Special Order under the Electricity (Supply) Act 1919 to produce or supply electricity may enter into and carry into effect contracts for the supply by the Corporation beyond the electricity limits to any such local authority company or person or by any such local authority company or person to the Corporation of electricity in bulk upon and subject to such terms and conditions as may be agreed upon but nothing in this section shall authorise any party to any such contract to lay any mains or electric lines or to interfere with any street outside the limits of such party for the supply of electricity.

(b) Any contract entered into under the provisions of this section shall be submitted to the Electricity Commissioners for their approval.

(2) (a) If the local authority of any district adjoining the electricity limits are authorised to transfer their undertaking such local authority may with the approval of the Electricity Commissioners transfer their electricity undertaking to the Corporation and the Corporation may accept such transfer and may raise money for the purpose of the undertaking and transfer under the provisions of the Electricity (Supply) Acts 1882 to 1926 in like manner as if such district were part of the electricity limits.

(b) Any capital money received by any local authority in respect of any transfer under this subsection shall be applied by such authority in manner provided by subsection (2) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

(3) Section 60 (Supply of electrical energy outside city and transfer of undertaking) of the Act of 1903 is hereby repealed.

As to
maximum
power
which may
be de-
manded.

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

to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882. A.D. 1928.

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

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

(2) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house or used for human habitation) belonging to and used by any railway company primarily for railway purposes.

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

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

62.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity Notice to discontinue

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—
supply of
electricity.

shall be sufficient if it be in writing signed by or on behalf of the consumer and left at or sent by post to the offices of the electricity undertaking of the Corporation.

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

Further
powers as
to entry
upon
premises.

63.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking of the Corporation or of any by-law or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

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

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 as extended by this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in either of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Receipts
and
expenses.

64.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed

to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses. A.D. 1928.

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

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS.

65.—(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 (being a new street within the meaning of the bye-laws of the Corporation with respect to new streets or of any statutory provision for the time being in force in the city 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. Development 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 any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans and particulars as approved and if any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

(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.

66.—(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.

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

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

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

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

(7) Notwithstanding any agreement entered into under this section the gas company shall continue to have the same powers and rights in respect of any mains pipes or apparatus belonging to or used by them which remain in, under or upon the land so conveyed by the Corporation as if the same had continued to be part of the street and the Corporation shall make full compensation to the gas company for any loss (other than loss of revenue) damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto but the Corporation may if they so determine at their own expense and to the reasonable approval of the gas company alter the position of any such mains pipes or apparatus so that the same shall be situate in the street as altered under the provisions of this section.

67.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (being a new street within the meaning of the

Adjustment
of bound-
aries of
estates.

A.D. 1928. byelaws of the Corporation with respect to new streets or of any statutory provision for the time being in force in the city with respect to the width of new streets) within the city are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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

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

be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section. A.D. 1928.

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

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

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

69.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 (Power to prescribe improvement line for widening streets) of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line. Further powers as to future line of street.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land

A.D. 1928. — building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

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

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

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

Building
line in
streets.

70.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the city distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line unless within six weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

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

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

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

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

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

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

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

As to
hoardings
and similar
structures.

71.—(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 street shall be erected or brought forward on any land in any street within the city—

- (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 expenses incurred by them in so doing from the offender.

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

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

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

72.—(1) For the purpose of preserving the amenities of the city it is hereby enacted that it shall not be lawful to erect any hoarding or similar structure in or abutting on or adjoining any street to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine.

Restrictions
on adver-
tisement
hoardings
&c.

(2) The owner or other person using any hoarding wall or similar structure for advertising purposes whether erected before or after the commencement of this Act shall at all times keep and maintain the same in proper and safe repair and condition and if any papers affixed for advertising purposes to such hoarding wall or similar structure fall away become detached or are stripped off shall forthwith remove and clear away such papers.

(3) It shall not be lawful to erect or place illuminated advertisements which flash or are at intervals extinguished and lit or re-lit on any building or structure which is situate in or abutting on or adjoining any street

A.D. 1928. without the consent of the Corporation and such consent may be given subject to such terms and conditions as the Corporation may determine.

(4) Any person acting in contravention of this section or of the terms and conditions (if any) of any such consent as before mentioned shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) Provided that a person shall not be liable to any such penalty in respect of an offence under subsection (2) of this section unless he shall have failed to comply with a notice in writing from the Corporation requiring him to keep or maintain a hoarding wall or structure of which he is the owner or user in proper and safe repair and condition or to remove and clear away paper in accordance with the provisions of subsection (2) of this section.

(6) Any person aggrieved by the refusal of the Corporation to grant any such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and 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.

As to
erection of
retaining
walls.

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

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

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

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Restriction
on erection
of tempor-
ary stands
&c.

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

(3) The provisions of this section shall not apply to any person who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

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

Fire-plugs.

76.—(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.

Direction
signs.

(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.

(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

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not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

Elevation
of buildings
erected on
front lands
to require
approval.

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

(i) If the owner lessee or occupier of any such land shall construct—

(a) any door or entrance in an existing building communicating with that street; or

(b) any wall or fence by the side of that street;

he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation;

(ii) If the Corporation within six weeks after any elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the elevations.

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

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

Further
power to
make bye-
laws as to
new build-
ings &c.

78.—(1) (a) For the purpose of assisting the Corporation in the exercise of the powers conferred upon them by this section a standing advisory committee of three members (in this section called “the advisory committee”) shall be constituted for the 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. A.D. 1928.

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

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

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

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

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

- (a) approve the elevations; or
- (b) if they shall consider that having regard to the general character of the buildings in the city or of the buildings proposed therein to be erected or of the building upon or to which the addition is to be constructed or reconstructed the building or addition or chimney to which the elevations relate would seriously disfigure the city whether by reason of the height of the building or addition or chimney or its design or the materials proposed to be used in its

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construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building or addition or chimney is considered to be objectionable.

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

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

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

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

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

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

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

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

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(9) 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.

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

79.—(1) If the medical officer is of opinion that any building proposed to be erected in the city would if erected—

Prevention
of obstruc-
tive build-
ings.

- (a) stop ventilation or otherwise make or conduce to make other buildings in its proximity to be in a condition unfit for human habitation or dangerous or injurious to health; or
- (b) prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

he may make a representation to the Corporation to that effect stating that in his opinion it is inexpedient that the proposed buildings should be erected.

(2) A representation made to the Corporation in pursuance of this section shall be deemed to be a representation made under the provisions of subsection (1) of section 19 (Power to local authority to order obstructive buildings to be pulled down) of the Housing Act 1925 and the provisions of that section with the necessary modifications shall extend and apply accordingly.

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Erection of
buildings
to greater
height than
adjoining
building.

80.—(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.

(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.

Dilapidated
and
neglected
buildings.

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

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

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

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the

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

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

As to dangerous buildings.

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

83. The power given by subsection (4) of section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission of such plans and sections as can be required in relation to the erection of a new building.

Byelaws as to alterations of buildings.

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Amendment
and applica-
tion of section
17 of Public
Health Acts
Amendment
Act 1907.

Extension of
section 157
of Public
Health Act
1875.

84. Section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 shall in its application to the city be read and have effect as if subsection (2) of the said section were omitted therefrom.

85. 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—

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space;
- (iv) the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fire-places 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;
- (v) 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;
- (vi) the testing of drains of new buildings; and
- (vii) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost.

Means of
escape from
buildings in
case of fire.

86.—(1) Every new building which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a

shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

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

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Corporation under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the require-

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ment provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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

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

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

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

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

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

Area of
habitable
rooms.

87. Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 in its application to the city shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Cellars not
to be con-
structed
below sub-
soil water
level.

88.—(1) The Corporation may prohibit the construction in or in connection with any dwelling-house within the city of any cellar or room the floor level of which shall be lower than the highest known level of the subsoil water on under or adjacent to the land on which such dwelling-house shall be erected.

(2) Any person offending against any prohibition of the Corporation under the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

Closet accommodation in houses occupied by more than one family.

(2) The provisions of subsections (1) (2) and (3) of section 7 (Execution of works to comply with byelaws) of the Housing Act 1925 shall apply with any necessary modifications as if the same were set out in this section.

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

Combined drains.

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

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

(4) Any person aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction

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provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof. On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Houses
connected
with single
private
drain.

91.—(1) Where two or more houses or premises within the city are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 as amended by section 34 (Extension of s. 41 of 38 & 39 Vict. c. 55) of the Public Health Acts Amendment Act 1907 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by those sections from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

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

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

As to
defective
drains &c.

92.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain, watercloset or soil-pipe within the city 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. A.D. 1928.

(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 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.

93. 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: As to repair of drains.

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.

94. If any person cause any drain watercloset earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds: Wilful damage to drains water-closets &c.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

95. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from Powers on inspection.

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

Sanitary conveniences for workmen engaged on buildings.

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

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

Exemption for railway companies.

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

“As to hoardings and similar structures”;

“Restriction on erection of temporary stands &c.”;

“Dilapidated and neglected buildings”;

“Means of escape from buildings in case of fire”;

“Powers on inspection”;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any land held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or land is used or held by such company primarily for railway purposes.

PART VIII.

A.D. 1928.

INFECTIOUS DISEASE AND SANITARY.

98. For the purposes of the sections of this Act of which the marginal notes are "Parents to notify infectious disease" "Power to close Sunday schools and exclude children from entertainments" and "Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails" respectively the expression "infectious disease" includes in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation of terms" measles German measles whooping cough chicken pox scabies ringworm and influenza.

Definition
for purposes
of this
Part of Act.

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

Parents to
notify
infectious
disease.

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

(2) For the purpose of this section the expression "school" shall include a Sunday school.

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

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

A.D. 1928.

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

Restriction
on attend-
ance of
children at
Sunday
schools and
places of
assembly
when
infectious
disease
prevails.

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

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

Information
to be
furnished
in case of
infectious
disease.

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

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

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

103.—(1) If the owner of any dwelling-house or premises occupied therewith within the city represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

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As to filthy premises.

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

104.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade :

Discon-
tinuance of
offensive
trade.

Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of the section of this Act of which the marginal note is "As to appeals" and that the provisions of the said section of this Act shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection.

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

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

Names of
laundrymen
to be
furnished.

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

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

Registra-
tion of
ice-cream
manufac-
turers and
premises.

106.—(1)—

(a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the city; and

(b) any premises within the city used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

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(2) No person shall within the city carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises within the city shall be used for the purposes aforesaid unless they be so registered.

(3) 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.

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

For regu-
lating
manu-
facture and
sale of ice-
cream &c.

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

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

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation

A.D. 1928. in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Byelaws as to lodging-houses.

108. 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):—

- (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.

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

109. 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.

As to inspection of premises used for storage of food.

110.—(1) On any inspection of premises carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of section 72 of the Public Health Act 1925 such officer shall

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

A.D. 1928.

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

111.—(1) Any premises within the city used or proposed to be used for the preparation or manufacture of potted pressed pickled or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid.

Registra-
tion of
premises
used for pre-
paration of
potted and
preserved
foods.

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

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

112.—(1) Where it is shown that any animal or article liable to be seized under section 116 (Power of medical officer of health to inspect meat &c.) of the Public Health Act 1875 (as extended by section 28 (Extension of 38 & 39 Vict. c. 55 ss. 116-119) of the

Penalty on
original
vendor of
unsound
food.

A.D. 1928.

Public Health Acts Amendment Act 1890) and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

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

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Further powers in relation to unsound food.

113. 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 animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly : A.D. 1928.

Provided that nothing in this section shall authorise the inspection examination or 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.

114.—(1) The owner of any dwelling-house or tenement in the city which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the means of affording such a supply of water are not available and cannot be made available at a reasonable cost : Houses without water supply.

Provided that the owner of any dwelling-house erected before the passing of this Act shall not be liable to the penalties provided by this section unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house with a proper and sufficient water supply within such dwelling-house.

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

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

116.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop within the city to provide portable covered galvanised iron dustbins in lieu of ashpits or Regulation dustbins.

A.D. 1928. ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

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

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

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(5) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

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

Byelaws as
to refuse.

117. The power of the Corporation to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not faecal or offensive or noxious matter or liquid.

Byelaws as
to stables.

118. The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions (a) in or about or arising out of any existing stable (whether the same is used as such at the passing of this Act or not) within

the city or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act within the city.

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

Cleansing of
dwelling-
houses in
certain
cases.

120.—(1) Where the Corporation's veterinary surgeon has certified that any infectious or parasitic disease has appeared in any stable cowshed or other place within the city where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Corporation may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe.

As to
infected
stables or
other
places.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

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

(a) acquire by agreement any premises within the city used for the purpose of slaughtering animals intended for food (hereinafter referred

Agreements
as to
slaughter-
houses.

A.D. 1928.

to as a "slaughter-house") and the interest or interests of any owner lessee or occupier of such premises;

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

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

122.—(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 or which shall have remained unused as a slaughter-house for a period of six months require that the premises shall cease to be used as a slaughter-house on and after such date (not being less in the case of a slaughter-house which is in the opinion of the Corporation injurious or dangerous to public health 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 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 by the Minister and unless and until the Minister shall have determined

that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question. A.D. 1928.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in 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.

(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.

123.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of any article intended to be sold for food. Byelaws as to transport of food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport by a railway company of any article intended for the food of man the Corporation shall give notice to the company of the Corporation's intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the company shall be entitled to make representations to the Minister with regard thereto.

124. It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation upon a report by the medical officer or sanitary inspector that any smoke gas or vapour from any chimney of a wash-house or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the city to make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas or vapour or such other means to be adopted Power to order alteration of chimneys.

A.D. 1928. — as may seem fitting to such court and as shall not exceed an expenditure of twenty pounds for preventing or mitigating such nuisance within such time as shall be specified in such order and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART IX.

POLICE AND HACKNEY CARRIAGES.

Regulations
for controll-
ing traffic.

125.—(1) In this section—

- (a) “the central area” means any part of the city which is within a radius of half a mile from the Guildhall of the city; and
- (b) “specified” means specified in any regulations made or approved under this section.

(2) The Corporation may from time to time make regulations prescribing within the central area—

- (a) the streets which are not to be used for traffic by vehicles of any specified class or classes either generally or during specified times;
- (b) the streets along which vehicular traffic shall pass in one direction only and the direction in which such traffic shall pass;
- (c) 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:

Provided that no regulation made under paragraphs (a) or (b) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the central area whilst so engaged.

(3) 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. A.D. 1928.

(4) The said Minister 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.

(5) Before approving any regulations the said Minister 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 reasonable 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.

(6) 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.

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

(8) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper circulating in the city and otherwise in such manner as may be prescribed by the said Minister and shall also during the continuance of any regulation approved under paragraph (b) of subsection (2) 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.

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(9) As respects any regulation made and approved under this section (subject to any modification made by the said Minister as hereinafter provided) any person who—

(a) shall contravene any regulation under paragraph (a) of subsection (2) of this section after warning given by word or signal by a police constable in uniform; or

(b) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (b) of the said subsection and a warning notice shall have been erected pursuant to subsection (8) of this section in contravention of such regulation; or

(c) shall contravene any regulation under paragraph (c) of subsection (2) of this section;

shall be liable to a penalty not exceeding forty shillings.

(10) Any company body or person running omnibuses in the city may at any time apply to the said Minister 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.

Regulations
as to stands
or stopping
places of
omnibuses.

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

(a) as respects omnibuses in general or omnibuses used on any particular route 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 place 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 said Minister notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the Corporation.

(7) The said Minister 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 said Minister 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 Ministry of Transport Act 1919 and the provisions in subsections (5) and (6) of the section of this Act the marginal note

A.D. 1928. whereof 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 said Minister 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 said Minister to modify any regulation made under this section on the ground that such regulation as is 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.

Evidence of regulations made by Corporation.

127. 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.

Byelaws as to hackney carriages.

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

- (a) For the examination and inspection of hackney carriages at such times and places as may be prescribed by such byelaws including an examination and inspection within one month before the annual licensing day or any adjourned licensing day;
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire;
- (c) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any

person who was authorised to drive such carriage at any specified time within seven days previous to such request being made.

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

Power to impose test on motor drivers.

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

Inspection and certification of taximeters.

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

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

PART X.

FINANCE AND MISCELLANEOUS.

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

Power to borrow.

A.D. 1928.

gage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereto shall respectively be "the prescribed period") mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of land - - -	£ 40,000	Sixty years from the date or dates of borrowing.
(b) The construction of the street works authorised by this Act.	40,000	Thirty years from the date or dates of borrowing.
(c) The construction of the tramway authorised by this Act.	18,000	Twenty years from the date or dates of borrowing.
(d) The electrical equipment of the said tramway.	2,750	Twenty years from the date or dates of borrowing.
(e) The provision of omnibuses - - -	15,000	Eight years from the date or dates of borrowing.
(f) The erection of buildings in connection with the omnibus undertaking of the Corporation.	10,750	Thirty years from the date or dates of borrowing.
(g) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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

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

borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby. A.D. 1928.

(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.

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

133. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing. Mode of payment off of money borrowed.

134.—(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— Sinking fund.

(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

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—

three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

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

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

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments 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 that any such increase is necessary the Corporation shall increase the payments to such extent as the 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 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 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 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 the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

A.D. 1928.

(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 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.

Consolidated loans fund.

135.—(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—

- (a) All moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

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

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation— A.D. 1928.

- (a) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation; and
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

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

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

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

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

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

Power to use sinking fund instead of borrowing.

A.D. 1928. — revenues of the Corporation and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

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

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

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

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

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

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

Use of moneys forming part of sinking and other funds.

137. Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent insurance or other similar fund

(in this section referred to as "the lending fund") A.D. 1928.
subject to the following conditions:—

- (1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid 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.

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

Investment
of and
payments
into sinking
fund.

A.D. 1928. — 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 or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation 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.

Period for
repayment
of loans
under
Municipal
Corporations
Act 1882.

139. 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 shall in each case prescribe.

As to
section 234
of Public
Health
Act 1875.

140. 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.

Expenses of
execution
of Act.

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

Interest on
mortgages
held
jointly.

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

Receipt in
case of
persons not
sui juris.

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

144. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

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

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

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order

A.D. 1928.

—
Evidence of
transfer or
transmis-
sion of
securities.

Return to
Minister
with respect
to repay-
ment of
debt.

A.D. 1928: — direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision of any enactment now in force in the city requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

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

146.—(1) Subject to the provisions of subsection (2) of this section and notwithstanding anything contained in any previous enactment all money received by the Corporation in any year ending on a thirty-first day of March subsequent to the thirty-first day of March nineteen hundred and twenty-nine on account of the revenue of the following undertakings of the Corporation (namely):—

- (i) the tramway undertaking ;
- (ii) the omnibus undertaking ;
- (iii) the water undertaking ;
- (iv) the electricity undertaking ;
- (v) the markets undertaking ;
- (vi) the cemeteries undertaking ;
- (vii) the canal undertaking ;
- (viii) the ferry undertaking ;

shall be carried to and shall form part of the revenue for that year of the general rate fund and all payments and expenses made and incurred in respect of each of those undertakings in the same year shall be paid out of that fund.

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

(3) The Corporation may (if they think fit) apply money received by them on account of the revenue of the

tramway omnibus water markets cemeteries canal and ferries undertakings of the Corporation in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings respectively. A.D. 1928.

147.—(1) As from the first day of April nineteen hundred and twenty-nine the Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings set out in the section of this Act of which the marginal note is "Application of revenue and payment of expenses of undertakings" (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking including the income from any reserve fund authorised in connection with such 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):— Accounts.

- (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;
- (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

A.D. 1928. 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.

Water
reserve
fund.

148.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of their water undertaking by setting aside such an amount as they may from time to time think reasonable until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-tenth of the aggregate capital for the time being expended by the Corporation upon the undertaking.

Any income arising from the said reserve fund shall be from time to time paid into the general rate fund and the amount of any such income which may for the time being be required to accumulate any such fund shall be paid to such fund out of the general rate fund.

(2) 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 their water undertaking 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.

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

Limitation
on water
rates and
charges.

149. The rates and charges demanded by the Corporation for the supply of water shall be not more than sufficient so far as can be estimated to enable the water undertaking of the Corporation to be carried on without loss after providing for the matters set out in the section of this Act of which the marginal note is "Accounts" and so that no part of the revenue of such rates and charges shall be carried to the general rate fund except so far as may be necessary for making good

any deficiency in the revenue account of the said undertaking which may have been met out of the district fund of the Corporation or the general rate fund after the thirty-first day of March nineteen hundred and twenty-eight.

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150. The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882—

Subscriptions to local government associations and other expenses.

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

151. The following provisions of the Act of 1900 and the Act of 1903 shall extend and apply to and for the purposes of this Act as if the same were with all necessary modifications re-enacted in this Act (namely) :—

Application of provisions of existing Acts.

The Act of 1900—

- Section 48 (Temporary stoppage of streets);
- Section 55 (Correction of errors &c. in deposited plans and book of reference);
- Section 57 (Persons under disability may grant easements &c.);
- Section 60 (Owners may be required to sell parts only of certain lands and buildings);
- Section 66 (Certain regulations of Public Health Act as to borrowing not to apply);

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- Section 67 (Provisions of Public Health Act as to mortgages to apply);
- Section 71 (Protection of lender from inquiry);
- Section 72 (Corporation not to regard trusts);
- Section 73 (Appointment of receiver);
- Section 76 (Application of money borrowed);
- Section 78 (Inquiries by Local Government Board);
- Section 81 (Compensation how to be determined).

The Act of 1903—

Section 73 (Authentication and service of notices):

Provided that—

- (a) section 48 of the Act of 1900 shall only apply in relation to the provisions of Part III of this Act;
- (b) in the application of section 60 of the Act of 1900 that section shall be read and have effect as if the properties set forth in the schedule to this Act were therein referred to instead of the properties described in the schedule to the Act of 1900;
- (c) in the application of section 78 of the Act of 1900 that section shall be read and have effect as if the words "five guineas" were substituted therein for the words "three guineas."

For protection of
Exeter
Gaslight
and Coke
Company.

152. Notwithstanding anything contained in this Act the following provisions for the protection of the gas company shall unless otherwise agreed in writing between the Corporation and the gas company apply and have effect (that is to say) :—

- (1) In this section "apparatus" means and includes all or any mains pipes tubes fittings or other apparatus belonging to the gas company and "authorised work" means any work authorised by Part III of this Act and the tramway authorised by the section of this Act of which the marginal note is "Power to make tramway":
- (2) Before commencing to execute any authorised work in any street or road in which any apparatus is laid which authorised work will be within

three feet of such apparatus the Corporation shall give to the gas company not less than fourteen days' notice in writing of their intention to execute such work and shall at the same time deliver to the gas company for their reasonable approval a plan and section of such authorised work and such work shall not be executed except in accordance with such plan and section as so approved or as determined by arbitration under this section. Provided that in the event of such plan and section not being objected to within fourteen days from the receipt thereof they shall be deemed to have been approved by the gas company. The Corporation shall also if required to do so by the gas company give them any such further information in relation to such authorised work as they may reasonably require :

- (3) If it should appear to the gas company that the execution of such authorised work as proposed would interfere with or endanger any such apparatus or interfere with the access thereto or impede the supply of gas the gas company may within fourteen days from the receipt by them of the notice by the Corporation give notice to the Corporation to alter the position of such apparatus in such manner as may be reasonably necessary and any difference as to the necessity of any such alteration or the manner of carrying out the alteration shall be settled by arbitration under this section and all such alterations shall save as hereinafter provided be carried out by and at the expense of the Corporation with as little detriment and inconvenience to the gas company as the circumstances will admit and to the reasonable satisfaction of the engineer of the gas company and under his superintendence if he think fit to attend after receiving not less than three days' notice for that purpose which notice the Corporation are hereby required to give :
- (4) The Corporation in executing any authorised work shall not remove or displace any apparatus without the consent of the gas company or in any other manner than the gas company shall

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approve until good and sufficient substituted apparatus and other works necessary or proper for continuing the supply of gas as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the engineer of the gas company :

- (5) If any apparatus shall have been removed or displaced under the provisions of subsection (4) of this section and the gas company shall desire to have substituted therefor apparatus of greater dimensions than the apparatus so removed or displaced and shall of such desire give notice to the Corporation before the Corporation shall have laid down substituted apparatus the Corporation shall substitute apparatus of such greater dimensions as the gas company may reasonably require and in that event the gas company shall repay to the Corporation any additional expense which the Corporation may have incurred by providing apparatus of such greater dimensions instead of apparatus of the same dimensions as that removed or displaced :
- (6) Whenever by reason of the exercise by the Corporation of the powers of Part III of this Act and the section of this Act of which the marginal note is "Power to make tramway" any apparatus (other than apparatus for which new apparatus has been substituted by or at the expense of the Corporation under the provisions of this section) shall be rendered derelict useless or unnecessary the Corporation shall forthwith pay to the gas company such a sum as may be agreed between the Corporation and the gas company or as failing such agreement may be determined by arbitration as hereinafter provided to be the then value of such apparatus as apparatus and such apparatus shall thereupon become the property of the Corporation and in addition to such payment the Corporation shall pay to the gas company the reasonable cost of and incidental to the cutting off of any such

derelict useless or unnecessary apparatus from any other apparatus of the gas company and of and incidental to any other works or things rendered necessary in consequence of such apparatus being rendered derelict useless or unnecessary by the exercise by the Corporation of the powers of the above-mentioned Part and section of this Act :

- (7) The Corporation in executing any authorised work shall make good all damage done by them to any apparatus and shall make full compensation to the gas company for any loss (other than loss of revenue) damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service pipes of any person supplied by the gas company with gas :
- (8) If the gas company shall desire to execute the works connected with any such alteration of position removal displacement or renewal of or necessary additions to any apparatus under this section and shall give not less than seven days' notice in writing thereof to the Corporation before they commence the works the gas company may themselves carry out the works and all reasonable expenses properly incurred by them in connection with the works or provision of apparatus shall be repaid to them by the Corporation. Provided that if the gas company shall in executing such works lay down apparatus of greater dimensions the Corporation shall not be under any obligation to repay to the gas company any part of such expenses which may have been incurred by reason of the apparatus so laid down having been of such greater dimensions as aforesaid :
- (9) The Corporation shall not exercise the powers of the section of this Act of which the marginal note is "Power to construct electrical substations under streets" so as to affect or interfere with any apparatus which may have been laid or the maintenance of such apparatus without the consent of the gas company nor exercise the powers of the last-named section

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so as to affect or interfere with the laying of any apparatus without the consent of the gas company but in any case such consent shall not be unreasonably withheld :

- (10) If any difference shall arise with respect to any matter under this section between the Corporation and the gas company or their respective engineers the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party (after notice thereof in writing to the other) 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 settlement by arbitration. In settling any question under this section an arbitrator shall have regard to any duties or obligations which the gas company may be under in respect of their apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the gas company's apparatus is used.

Power to establish information bureaus.

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

Penalty on occupiers refusing execution of Act.

154. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Parts VII or VIII of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to

permit the owner to execute the works required by the Corporation to be done, and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works, he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

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155. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the city execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

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

156. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or any committee of the council under this Act or under any general or local Act for the time being in force in the city it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the

Evidence of appointments authority &c.

A.D. 1928. holding of any meeting or the production of any minute book or other record or document.

Power of entry.

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

General provisions as to byelaws.

158. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act other than byelaws made under Part IV (Tramways and omnibuses) or Part VI (Electricity) thereof.

Consents of Corporation to be in writing.

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

Breach of conditions of consent of Corporation.

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

Apportionment of expenses in case of joint owners.

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

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

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—
Damages
and charges
to be
settled by
court.

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

Recovery of
demands.

164. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Parts VII or VIII of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

As to
appeals.

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

Several
sums in one
summons.

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

Service of
summons on
members of
council.

167. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made

Informa-
tions by
whom to
be laid.

A.D. 1928. thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the city.

Recovery
of penalties
&c.

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

Inquiries by
Minister of
Transport.

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

Powers
of Act
cumulative.

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

Saving for
indictment
&c.

171. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such

matter had not been made punishable by this Act A.D. 1928.
 Provided that nothing in this Act shall make a person —
 liable to be punished more than once for the same offence.

172. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein. Application of section 265 of Public Health Act 1875.

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

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

175. 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. Costs of Act.

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The SCHEDULE referred to in the
foregoing Act.

**LIST OF PROPERTIES OF WHICH PART ONLY MAY
BE TAKEN.**

City.	Numbers on deposited plans.
Exeter . . . - . . .	12 15 17 to 23 25 to 31 35 36 37 40 43 to 46 50 52 54 58 60.

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