

**CHAPTER lxxxii.**

An Act to empower the corporation of Birkenhead to execute street improvements to confer further powers upon them with respect to their tramway and electricity undertakings to make better provision for the health local government and finance of the borough and for other purposes.

A.D. 1930.

[4th June 1930.]

WHEREAS the borough of Birkenhead is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the mayor aldermen and burgesses of the borough acting by the council (in this Act respectively referred to as "the Corporation" and "the borough") are the urban sanitary authority for the borough :

And whereas it is expedient that the Corporation should be empowered to construct street improvements in the borough and to acquire lands for that purpose :

And whereas the Corporation are the owners of a system of tramways and provide motor omnibus services both within and outside the borough and it is expedient that further powers should be conferred upon them in connection with their tramway undertaking including powers in relation to the running of trolley vehicles and additional motor omnibus services :

And whereas it is expedient that the limits for the supply of electricity by the Corporation should be

A.D. 1930. extended and that further powers should be conferred upon them with respect to their electricity undertaking as by this Act provided :

And whereas it is expedient that further and better provision should be made with reference to streets and buildings and sanitary matters and otherwise for the local government health improvement and finance of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended :

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows (that is to say) :—

For the purchase of lands and for the	£
construction of street improvements	17,000
For the provision of omnibuses	... 17,000

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

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

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

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this

present Parliament assembled and by the authority of A.D. 1930.
the same as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the Birkenhead Short title.
Corporation Act 1930.

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

Division of
Act into
Parts.

- Part I.—Preliminary.
- Part II.—Street improvements and lands.
- Part III.—Trolley vehicles and omnibuses &c.
- Part IV.—Electricity.
- Part V.—Streets and buildings.
- Part VI.—Town planning.
- Part VII.—Sanitary provisions &c.
- Part VIII.—Police provisions.
- Part IX.—Finance.
- Part X.—Miscellaneous.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as the same are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act: Incorporation of Acts.

Provided that 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.

4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act have in relation to the relative subject-matter the same respective meanings And in this Act— Interpretation.

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

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- “ The council ” means the council of the borough ;
- “ The Minister ” means the Minister of Health ;
- “ The town clerk ” “ the medical officer ” and “ the surveyor ” mean respectively the town clerk the medical officer of health and the surveyor of the borough and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officers ;
- “ The street improvements ” means the street improvements and works in connection therewith by this Act authorised ;
- “ The Act of 1891 ” means the Birkenhead Corporation Act 1891 ;
- “ The Act of 1897 ” means the Birkenhead Corporation Act 1897 ;
- “ The Act of 1899 ” means the Birkenhead Corporation Act 1899 ;
- “ The Act of 1923 ” means the Birkenhead Corporation Act 1923 ;
- “ The Act of 1926 ” means the Birkenhead Corporation Act 1926 ;
- “ The Lands Clauses Acts ” means those Acts and the Acquisition of Land (Assessment of Compensation) Act 1919 ;
- “ The arbitrator ” means the arbitrator to whom any question of disputed compensation is referred under the provisions of this Act ;
- “ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same ;
- “ Telegraphic line ” has the same meaning as in the Telegraph Act 1878 ;
- “ The tramway undertaking ” means the tramway undertaking of the Corporation as from time to time authorised ;
- “ Omnibus ” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source ;

- “ Road authority ” means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with the maintenance of such road or part of a road; A.D. 1930.
- “ The water undertaking ” means the water undertaking of the Corporation as from time to time authorised;
- “ The gas undertaking ” means the gas undertaking of the Corporation as from time to time authorised;
- “ The gas limits ” means the limits within which the Corporation are from time to time authorised to supply gas;
- “ The electricity undertaking ” means the electricity undertaking of the Corporation as from time to time authorised;
- “ The electricity limits ” means the limits within which the Corporation are from time to time authorised to supply electricity;
- “ The markets undertaking ” means the markets undertaking of the Corporation as from time to time authorised;
- “ The ferries undertaking ” means the ferries undertaking of the Corporation as from time to time authorised;
- “ The dock board ” means the Mersey Docks and Harbour Board;
- “ The Mersey Dock Estate ” means the estate for the time being of the dock board;
- “ Daily penalty ” means a penalty for every day on which any offence is continued after conviction;
- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough;
- “ Revenues of the Corporation ” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation.

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PART II.

STREET IMPROVEMENTS AND LANDS.

Power to
construct
street
improve-
ments.

5. Subject to the provisions of this Act the Corporation may within the borough make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvements hereinafter described together with all proper works and conveniences in connection therewith (that is to say) :—

Improvement No. 1 Widenings of Well Lane on the north side thereof between the west side of the premises known as No. 18 Well Lane and Park Road and on the south side thereof between the west side of the premises known as No. 15 Well Lane and Albany Road.

Improvement No. 2 Widenings of Derby Road on the west side thereof between points respectively twenty-five yards south and sixteen yards north of Victoria Road and between Whetstone Lane and a point nineteen yards south thereof and on the east side of Derby Road co-extensive with the garden of the premises known as No. 11 Wellington Terrace.

Improvement No. 3 A widening of Woodchurch Road on the north side thereof between the east side of the premises known as Danehurst and the east side of the premises occupied as a garage by Hughes and Watts Limited.

Improvement No. 4 A new street or passage commencing at a point on the east side of Leighton Road between the premises known as No. 45 Thompson Street and No. 1 Leighton Road and terminating at a point in Olive Mount opposite the north side of Holborn Hill.

Limits of
deviation.

6. The Corporation may in constructing the street improvements deviate laterally from the lines shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown thereon and the Corporation may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards and two feet downwards.

7.—(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 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):—

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Power to
make
subsidiary
works.

- (a) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works authorised by this Part of this Act or any of them and may 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;
- (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
- (d) Raise lower alter and interfere with any 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 flow of sewage in any drain or sewer 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) The Corporation shall not raise lower alter 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.

8. 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 of

Power to
alter steps
areas pipes
&c.

A.D. 1930. 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.

Period for compulsory purchase of lands.

9. The powers granted by this Act for the compulsory purchase of lands for the purposes of the street improvements shall cease on the first day of October one thousand nine hundred and thirty-five.

Owners may be required to sell parts only of certain properties.

10. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties specified in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the arbitrator shall in addition to the other questions

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required to be determined by him determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :

- (4) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the arbitrator shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator :
- (5) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

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- (7) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Power
to acquire
lands.

11. Subject to the provisions of this Act the Corporation may enter upon take use and hold such of the lands within the borough delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works by this Act authorised or for the purpose of recoupment or exchange or for rehousing persons displaced under the provisions of this Act and may also enter upon take use and hold for the purposes of enlarging the Brassey Street Central School and other purposes connected therewith the lands hereinafter described and situate within the borough which are delineated on the deposited plans and described in the deposited book of reference (that is to say) :—

- (a) certain lands lying between Brett Street and the back street or passage in rear of Nos. 5 to 15 Brill Street and extending between points respectively

eighty-nine feet and one hundred and ninety-one feet four inches north-east of Laird Street; and

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- (b) certain lands on the south-east side of Brill Street and on the south side of Brassey Street with a frontage to the last-mentioned street of sixty-seven feet three inches and extending from that street to the back street or passage at the side of No. 5 Brill Street.

12. Subject to the provisions of this Act the Corporation may for the purposes of and in connection with the works by this Act authorised stop up so much of Brett Street as extends for a distance of seventy-six yards south-west of Brassey Street and thereupon all rights of way thereover shall be extinguished and the site and soil thereof shall vest in the Corporation but the Corporation shall not stop up any such street or portion thereof or appropriate the site and soil thereof unless they are owners in possession of all houses and lands on both sides of the street or portion to be stopped up except so far as the owners lessees and occupiers of such houses and lands may otherwise agree Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to stop up streets.

13. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the borough for the correction thereof and if it appear to the justices hearing the application that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Chester and a duplicate thereof shall also be

Correction of errors in deposited plans and book of reference.

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deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

Persons
under
disability
may grant
easements
&c.

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

As to
private
rights of
way over
lands
taken com-
pulsorily.

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

Benefits to
be set off
against
compen-
sation.

16. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Part of 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.

Compensa-
tion in case
of recently
altered
buildings.

17. In settling any question of disputed purchase money or compensation for lands acquired by the Corporation under this Act the arbitrator shall not award any sum of money for or in respect of any improvement

or alteration made or any building erected after the first day of November one thousand nine hundred and twenty-nine if in the opinion of the arbitrator the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the arbitrator was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition of such lands.

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18. The Corporation and their surveyors officers contractors and workmen may at all reasonable hours in the day time upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and premises by this Act authorised to be taken and used by them for the purpose of surveying and valuing the same without being deemed trespassers and without being subject or liable to any fine penalty or punishment for entering or continuing upon any part of the said lands and premises.

Power to enter upon property for survey and valuation.

19. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of any local Act or Order relating to the Corporation or which may be in the neighbourhood of any street improvement authorised by any such Act with respect to the reinstatement of 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.

Power to reinstate owners of property.

PART III.

TROLLEY VEHICLES AND OMNIBUSES &C.

20.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may work the same along any street or road in or beyond the borough in which they are at the passing of this Act authorised to construct or work tramways and with the consent of the Minister of Transport in any other

Power to use trolley vehicles.

A.D. 1930. street or road so far as may be necessary for turning the vehicles :

Provided that---

- (a) the powers of this section shall not be exercised in any street or road beyond the borough without the consent of the local and road authority which consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport;
- (b) before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval and to the road authority who may make representations in regard thereto to the said Minister;
- (c) no turning point shall be fixed upon any road or street belonging to or maintained by a railway company without the consent in writing of such company which consent shall not be unreasonably withheld.

(2) As from the date upon which and so long as a service of trolley vehicles is provided by the Corporation in lieu of a tramway service upon the route of any of their tramways the revenue of the tramway undertaking shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged with any expenses incurred by the Corporation upon or in connection with the maintenance and repair of roads along the route or routes upon which such service of trolley vehicles is provided under any statutory enactment relating to that undertaking but nothing in this subsection shall relieve the Corporation of any liability attaching to them in respect of such maintenance and repair.

As to
electrical
works.

21.—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are authorised to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain

all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II of the Tramways Act 1870 and in this Part of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working the trolley vehicles :

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Provided that all posts and other apparatus erected by the Corporation under this section shall be placed in such position as the road authority may approve Provided also that no post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(3) The Corporation may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided by them for working tramways in streets or roads along which they are or may be authorised to run trolley vehicles.

(4) In this section the expression "generating station" has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

22. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working the trolley vehicles and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Corporation to have exclusive right of using apparatus for working trolley vehicles.

23.—(1) The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903

Vehicles not to be deemed light locomotives or motor cars.

A.D. 1930. (except subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licensing and licences of drivers) and subject to that exception neither the Motor Car Acts 1896 and 1903 nor any byelaws or regulations made thereunder nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the trolley vehicles.

(2) The trolley vehicles authorised by this Act shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

Licence
duties on
trolley
vehicles.

24. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles authorised by this Act as hackney carriages.

Approval of
vehicles by
Minister of
Transport.

25.—(1) The trolley vehicles and the electrical equipment thereof used under the authority of this Act shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the said Minister.

(2) Before applying to the Minister of Transport for his approval of the weight of any trolley vehicle to be used upon any road which crosses a bridge belonging to and repairable by a railway company the Corporation shall give to such railway company notice of the weight of the trolley vehicles proposed to be used by them and the said Minister shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight Provided that notice of such objections shall be forwarded by such railway company to the Corporation at the same time as the same are submitted to the said Minister.

Application
to trolley
vehicles of
certain pro-
visions of
Tramways
Act 1870.

26.—(1) The following provisions of the Tramways Act 1870 (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 and shall apply to the trolley vehicles authorised by this

Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways (namely) :—

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Part II (Relating to the construction of tramways) except sections 25 28 and 29;

Section 41 (Tramways to be removed in certain cases);

Section 46 (Byelaws by local authority Promoters may make certain regulations);

Section 47 (Penalties may be imposed in byelaws);

Section 48 (Power to local authority to license drivers conductors &c.);

Section 49 (Penalty for obstruction of promoters in laying out tramway);

Section 51 (Penalty on passengers practising frauds on the promoters);

Section 53 (Penalty for bringing dangerous goods on the tramway);

Section 55 (Promoters or lessees to be responsible for all damages);

Section 56 (Recovery of tolls penalties &c.);

Section 57 (Right of user only);

Section 60 (Reserving powers of street authorities to widen &c. roads); and

Section 61 (Power for local or police authorities to regulate traffic in roads).

(2) Nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept.

27. Every artisan mechanic or daily labourer travelling on the trolley vehicles for the purpose of going to his work before 8 a.m. on any day of the week except Sunday Christmas Day and Good Friday and returning therefrom not earlier than 12 noon on the

Reduced fares for labouring classes.

A.D. 1930. — same day shall for each such double journey be charged a fare not exceeding the fare which the Corporation for the time being charge for each such single journey.

Application
to trolley
vehicles of
certain
provisions
of Acts of
Corporation.

28. The sections of the following Acts the marginal notes of which are in this section set forth shall so far as applicable apply with reference to the trolley vehicles authorised by or in pursuance of this Act and the apparatus and equipment for working the same and for the purpose of such application those sections shall be read and have effect as if the works constructed or to be constructed in the streets or roads for moving trolley vehicles by electrical power were tramways and as if the trolley vehicles were carriages used on tramways (namely) :—

The Act of 1897—

- Section 30 (Motive power on tramways);
- Section 32 (Restrictions as to the use of electric power);
- Section 33 (Penalty for using mechanical power contrary to Act or regulations);
- Section 34 (Byelaws of Board of Trade).

The Act of 1899—

- Section 14 (Inspection by Board of Trade);
- Section 15 (Mechanical power works to be subject to section 30 of Tramways Act 1870);
- Section 23 (Application of road materials excavated in construction of works);
- Section 24 (Temporary tramway may be made where necessary).

The Act of 1923—

- Section 44 (Alteration of telegraph lines of Postmaster-General);
- Section 45 (For protection of Postmaster-General);
- Section 46 (Use of tramway posts &c. by Postmaster-General);
- Section 48 (Passengers' luggage);
- Section 49 (Power to carry parcels);
- Section 50 (Revision of fares rates and charges);

- Section 51 (Corporation may use tramways for sanitary purposes &c.); A.D. 1930.
 Section 53 (Tramway working agreements);
 Section 55 (Byelaws by local authority);
 Section 57 (Shelters or waiting-rooms);
 Section 58 (Cloak-rooms);
 Section 59 (Power to require intending passengers to wait in lines or queues);
 Section 60 (Stopping and starting places);
 Section 61 (Lost property);
 Section 62 (Power to reserve tramcars and omnibuses for special purposes);
 Section 64 (Penalty for malicious damage);
 Section 65 (Byelaws under Part III of this Act);
 Section 66 (Inquiries by Minister of Transport);
 Section 68 (Orders &c. of Minister of Transport);
 and
 Section 70 (For protection of certain railway companies):

Provided that references in the said sections of the Act of 1897 and the Act of 1899 to the Board of Trade shall be deemed to refer to the Minister of Transport.

29. Subsection (4) of section 45 (For protection of Postmaster-General) of the Act of 1923 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." Amendment of section 45 (4) of Act of 1923.

30. The Minister of Transport may by order require the Corporation to discontinue temporarily or permanently any of their tramways for the time being along the route of which the Corporation have provided and equipped or are about to provide and equip trolley vehicles. Power to Minister of Transport to require abandonment of tramways.

31.—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road (whether within the borough or within a distance of five miles measured in a direct line from the town hall Birkenhead) as defined by the Tramways Minister of Transport may authorise new routes.

A.D. 1930. Act 1870 (other than the streets and roads along and upon which they are by this Act authorised to use trolley vehicles) they may make application to the Minister of Transport and that Minister is hereby empowered to make a Provisional Order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and containing such incidental provisions as the said Minister may deem expedient and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act.

(2) No such application shall be entertained by the Minister of Transport unless the Corporation shall—

(a) have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the borough;

(b) have also published such notice once in the months of October or November in the London Gazette;

(c) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the said Minister any objections to the grant of such application.

(3) The Minister of Transport may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Minister of Transport shall consider any such application and may if he think fit direct an inquiry to be held in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be

granted either with or without addition or modification or subject or not to any restriction or condition. A.D. 1930.

(5) No Provisional Order shall be made without the consent of the local authority of the district in which the route is situate and (where the local authority are not the road authority) without the consent also of the road authority but the consent of such local or road authority shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

(6) In any case where it shall appear to the Minister of Transport expedient that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

(7) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(8) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(9) The making of a Provisional Order under this section shall be prima facie evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(10) Any expenses incurred by the Minister of Transport in connection with the preparation and making of any such Provisional Order and any expenses incurred by the said Minister in connection with any inquiry under this section shall be paid by the Corporation.

A.D. 1930.

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Tramway
regulations
to apply to
trolley
vehicles.

32. All subsisting regulations and byelaws relating to the tramways of the Corporation made in pursuance of the Tramways Act 1870 or of any other statutory enactment so far as the same are applicable shall with the necessary modifications apply to the trolley vehicles provided by the Corporation in pursuance of this Act.

For pro-
tection of
certain
railway
companies.

33. The following provisions for the protection of the London Midland and Scottish Railway Company and the Great Western Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

- (1) In this section the word "apparatus" means standards brackets conductors mains cables wires posts poles and any other apparatus and equipment for the purpose of working trolley vehicles under or in pursuance of this Act :
- (2) The apparatus where the same shall be erected or placed upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the company or which will otherwise affect the same shall be erected or placed and maintained according to plans and particulars to be previously submitted to and reasonably approved by the company Provided that if the company do not within twenty-eight days after such submission signify their disapproval of such plans and particulars they shall be deemed to have approved thereof All apparatus shall be erected or placed under the superintendence (if the same be given) and to the reasonable satisfaction of the company The Corporation shall so construct maintain and use the apparatus as not to affect injuriously any such bridge or approaches or other work and in the event of any injury being occasioned to such bridge or approaches or work by the construction maintenance user or removal of the apparatus upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing :

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- (3) The Corporation shall on demand pay to the company the reasonable expense (if any) of watching the railway and property of the company which shall be reasonably necessary during and in consequence of the execution or repair by the Corporation under or in pursuance of this Part of this Act of any apparatus affecting any bridge or other work belonging to or maintainable by the company for preventing so far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them :
- (4) The Corporation shall not in any manner in the execution maintenance or repair of any of the apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or siding belonging to or maintainable by the company or any traffic thereon :
- (5) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to any works or property which they may be liable to maintain or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employ or of their contractors in connection with the apparatus and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such default or omission :
- (6) If the company in the exercise of their existing powers shall require to widen lengthen strengthen reconstruct alter or repair any of their bridges approaches or other works under or upon which the apparatus is laid or to widen or alter any railway thereunder or thereover the Corporation shall afford to the company all reasonable and

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proper facilities for the purpose and if it shall be necessary for such purpose that the apparatus be taken up diverted or removed and if the company accordingly give to the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable dispatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal:

- (7) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in the exercise of their existing powers in effecting such widening lengthening strengthening reconstructing alterations or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge or approach or other work of the company by reason of the existence or user of the works or apparatus:
- (8) If and when the company in the exercise of their existing powers shall require to reconstruct widen lengthen alter repair or paint any bridge under which any electric wire of the Corporation has been placed under or in pursuance of this Part of this Act and if it shall be reasonably necessary for them so to do the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction widening lengthening alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be

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agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer. Provided that the Corporation shall not be required to cut off the electric current at any time for a longer period than shall be absolutely necessary for effecting the purpose of the company:

- (9) If having regard to the proposed position of any apparatus when considered in relation to the position of the works of the company at any point where any apparatus will be constructed over or under the railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of so doing shall be repaid to the company by the Corporation. Provided that notice of their intention to execute such works shall be given by the company to the Corporation:
- (10) The Corporation shall not for the purposes of this Part of this Act make attachments to any bridge or other property of the company without the consent in writing of the engineer of the company which shall not be withheld unreasonably such attachments if allowed to be temporarily removed at any time when required by the said engineer in connection with the maintenance and reconstruction or alteration of any such bridge:
- (11) Any difference which shall arise between the Corporation and the company or their respective engineers under this section shall be determined by a single arbitrator to be appointed failing agreement on the application of either party (after notice in writing to the other of them) by the President of the Institution of

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Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

Trolley vehicles
to form part of
tramway
undertaking.

34. Subject to the provisions of this Act the trolley vehicle undertaking authorised by this Act shall form part of the tramway undertaking.

Con-
veyance of
mails.

35. The Corporation shall perform in respect of the trolley vehicles provided under this Act such services with 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.

Power to
run
omnibuses.

36.—(1) Subject to the provisions of this Act the Corporation as part of the tramway undertaking may provide and maintain (but shall not manufacture) omnibuses and in addition to the routes over which they are now authorised to run omnibuses and either in connection with any of the said routes or otherwise the Corporation may run the same along the following new routes in the county of Chester (that is to say):—

In the parish of Eastham—

Route No. 1 Along the main road from Birkenhead to Chester from the boundary of the urban district of Bebington and Bromborough to Eastham Village and along the road from Eastham Village to Eastham Ferry and also from the said main road along the Chester bye-pass road to its junction with Eastham Rake thence along that road to Eastham Village.

In the parish of Arrowe—

Route No. 2 Along the road leading from Woodchurch to Barnston from the boundary of the borough near the Horse and Jockey Inn at Woodchurch to the boundary of the borough at the junction of the said road with Irby Road known as Thingwall Corner.

In the parishes of Arrowe Irby Thurstaston Caldy Frankby Greasby and Upton—

Route No. 3 From Thingwall Corner along Irby Road to Irby Village Thurstaston Road to Thurstaston cross roads thence along the West Kirby and Chester main roads to the

Caldy cross roads thence along Montgomery Hill through Frankby and Greasby to Upton Village and with the consent of the local authority and the road authority along any road within the area bounded by the said roads. A.D. 1930.

In the parishes of Thurstaston Irby and Heswall-cum-Oldfield—

Route No. 4 From Thurstaston cross roads along the West Kirby and Chester main road and Telegraph Road Heswall to the omnibus station of Crosville Motor Services Limited in Heswall;

and also with the consent of the Bebington and Bromborough Urban District Council along any routes in the urban district of Bebington and Bromborough.

(2) Nothing in this section shall empower the Corporation to run omnibuses along any private road belonging to Lever Brothers Limited except with the consent of that company or along any private road belonging to Bromboro Port Estate Limited except with the consent of that company.

37.—(1) The following provisions of the Act of 1926 shall so far as they are applicable extend and apply to the exercise of the powers of the section of this Act of which the marginal note is “Power to run omnibuses” as if they were with any necessary modifications re-enacted in this Act (that is to say):—

Incorporation of previous enactments.

Subsections (2) and (4) to (7) of section 3 (Power to run omnibuses);

Section 4 (Adaptation of roads);

Section 5 (As to bridges and roads of railway and canal companies);

Section 6 (As to cesser of powers);

Section 7 (Determination of powers in certain events);

Section 8 (Inquiries by Minister of Transport);
and

Section 9 (Revision of omnibus fares):

Provided that in the event of the Corporation giving notice in writing under subsection (1) (b) of the said

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section 4 in its application to this Act that they do not intend to run omnibuses over the road in question the Corporation shall repay to the road authority the cost reasonably incurred by them in connection with any arbitration which may have taken place with reference thereto.

(2) Subsection (5) of section 3 of the Act of 1926 shall cease to apply to the omnibuses of the Corporation on the making by the Minister of Transport of any regulations dealing with the matters referred to in sections 51 and 56 of the Tramways Act 1870 under any general Act passed during the present session of Parliament relating to road traffic.

Restricting
running of
omnibuses
in competi-
tion.

38.—(1) If and so long as the Corporation provide a road transport service along any existing tramway route or part thereof within the borough (such route or part of a route being in this and the next succeeding section called a “protected route”) and such service adequately meets the requirements of such protected route it shall not be lawful except as hereinafter in this section provided or except in pursuance of any agreement entered into by the Corporation under the provisions of section 56 (Omnibus working agreements) of the Act of 1923 for any company or for any other local authority body or person to run omnibuses along such protected route or along any other route in competition with such service or services of the Corporation along the protected route.

(2) Any failure on the part of the Corporation to afford an adequate service along any protected route which is due to strikes unforeseen accidents or circumstances beyond the control of the Corporation shall not entitle any such company authority body or person to run omnibuses along such protected route or along any other route in competition therewith or deprive the Corporation of any benefit conferred upon them by this section.

(3) The licensing authority may and shall in order to give effect to the foregoing provisions of this section when licensing an omnibus to ply for hire grant such licence subject to conditions as to the routes upon which such omnibus shall or shall not ply for hire. Provided that if any question arises between the Corporation and any company authority body or person as to whether any

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route in respect of which a licence may be granted to any such company authority body or person is competitive such question shall on the application of either of the parties be determined as hereinafter in this section provided. Provided further that the right of the applicant for the licence of appeal to the Minister of Transport from the decision of the licensing authority under section 14 (3) of the Roads Act 1920 shall not be affected but the said Minister in making any order under that section shall have regard to the provisions of this section. Provided also that omnibuses belonging to the same proprietor may be transferred by him from one route to another route on which he is for the time being licensed to run omnibuses so long as he does not at one and the same time allow a greater number of his omnibuses to ply for hire on any protected route or any route in competition therewith than the number of licences which he holds for such route.

(4) Any question at any time arising as to whether or not the Corporation are providing an adequate service along any protected route or whether there is or would be any such competition as aforesaid shall be determined by the Minister of Transport on the application of any interested party and the said Minister shall have power to make such order thereon as he thinks fit. Any order made by the said Minister under this section shall be final and binding on the parties affected thereby and not subject to appeal to any court and shall on the application of the said Minister or the Corporation or the applicant for a licence be enforceable by writ of mandamus.

(5) Nothing in this section shall be deemed—

- (a) to restrict the running of any omnibus by any such company authority body or person along any protected route or any other route in competition therewith if such omnibus serves a district or districts beyond the districts in which the protected route is situate and no passenger conveyed by such omnibus is both taken up and set down on any one journey on any protected route or any route in competition therewith; or
- (b) to prevent the renewal by the licensing authority of a licence to ply for hire with an

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omnibus along a protected route or a particular part of a protected route or a route in competition with a protected route if the licence was in force on the twentieth day of November one thousand nine hundred and twenty-nine and was applicable to and used for a service of omnibuses which service was on that date being operated on and has since that date been regularly in operation on any protected route (or part thereof) or any route in competition therewith or to entitle the licensing authority to refuse the renewal of a licence to ply for hire with an omnibus substituted by the licensee for any omnibus to which the protection of this paragraph applies or to restrict the running of any such last-mentioned omnibus or substituted omnibus along any protected route or part of a protected route or other route in competition therewith. Provided that no omnibus proprietor (other than the Corporation) shall be entitled to operate along any protected route or any part thereof or along any route in competition therewith during any period of the year a greater number of omnibuses than were required to operate the services which were worked along that route or part of a route by that omnibus proprietor during the corresponding period of the year preceding the said twentieth day of November one thousand nine hundred and twenty-nine and have been regularly in operation along that route during the same period of each year; or

- (c) to prevent the grant or renewal by the licensing authority of any licence to ply for hire with an omnibus on the condition that no passenger conveyed by the omnibus to which the licence relates shall be both taken up and set down on any one journey on any protected route or any route in competition therewith.

(6) Any authority company body or person who runs any omnibus in contravention of the provisions of this section shall for each such offence be liable to a penalty not exceeding ten pounds.

39. The licensing authority for the borough shall on the application of the Corporation (subject to any rights possessed by the licensing authority to approve or disapprove the fitness of vehicles for which a licence to ply for hire is desired) grant to the Corporation such number of licences for omnibuses to ply for hire as the Corporation may from time to time reasonably require in order to provide an adequate service of omnibuses along such protected route. If any dispute shall arise between the Corporation and any licensing authority as to what number of licences are reasonably required by the Corporation the dispute shall be referred to the Minister of Transport whose decision shall be final.

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As to omnibus licences.

40.—(1) The Corporation may for the purposes of the tramway undertaking purchase take on lease and hold (by agreement but not otherwise) in addition to the lands already forming part of that undertaking any lands and hereditaments not exceeding in the whole ten acres which the Corporation may require for the purposes of the tramway undertaking.

Power to purchase lands by agreement

(2) Nothing in this section shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or held under the provisions of this section.

41.—(1) The Corporation may demand and take for every passenger travelling upon their trolley vehicles and omnibuses including every expense incidental to such conveyance a fare not exceeding three half-pence per mile and in computing the said fare a fraction of a mile shall be deemed to be a mile.

Fares and charges on trolley vehicles and omnibuses.

(2) The Corporation may demand and take for parcels carried in or upon their trolley vehicles and omnibuses charges not exceeding such maximum charges as may from time to time be approved by the Minister of Transport.

(3) Subsection (3) of section 3 (Power to run omnibuses) of the Act of 1926 is hereby repealed.

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

As to charges for dogs on tramcars &c.

A.D. 1930.

Through
trolley
vehicles
and
omnibuses.

43. The Corporation may run through trolley vehicles or omnibuses along any route on which the Corporation are for the time being authorised to run trolley vehicles or omnibuses and such trolley vehicles and omnibuses shall be distinguished from other trolley vehicles and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such trolley vehicles and 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 trolley vehicles and omnibuses. Provided that during the running of such through trolley vehicles and omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of trolley vehicles or omnibuses as the case may be.

Attachment
of signs indi-
cating
stopping
places to
lamp-posts
&c.

44.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any of the tramways of the Corporation or any of their trolley vehicle and omnibus routes signs or directions indicating the position of stopping places for tramcars trolley vehicles and omnibuses. Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment :

Provided also that no sign or direction shall be attached to any lamp-post pole standard or other similar erection outside the borough except with the consent of the local authority of the district which consent shall not be unreasonably withheld and any question as to whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

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

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(3) Notwithstanding anything contained in this section the Corporation shall not attach any such sign or direction to any pole post standard or other similar erection belonging to the Postmaster-General except with his consent in writing or belonging to any local or road authority (including a parish council) except with the consent of the authority in writing.

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

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

Power to Corporation to suspend running of cars &c.

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

Removal of obstructions.

47. The Corporation shall keep the accounts in respect of the tramway undertaking so as to show separately (so far as may be reasonably practicable) the receipts and expenditure in regard to (a) the tramways

Accounts of tramway undertaking.

A.D. 1930. — (b) the trolley vehicles and (c) the omnibuses which the Corporation are empowered to provide and run and in such accounts capital shall be distinguished from revenue.

For pro-
tection of
dock
board.

48. The Corporation shall not—

- (a) provide maintain equip or work trolley vehicles under the section of this Act of which the marginal note is "Power to use trolley vehicles" on any street or road forming part of the Mersey Dock Estate;
- (b) exercise the powers of the section of this Act of which the marginal note is "As to electrical works" in respect of any such street or road;
- (c) make application under the provisions of the section of this Act of which the marginal note is "Minister of Transport may authorise new routes" for a Provisional Order authorising the use of trolley vehicles on any such street or road;

except with the consent in writing of the dock board which consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to and determined by the Minister of Transport.

PART IV.

ELECTRICITY.

Extension
of electricity
limits.

49.—(1) The electricity limits shall be extended by the inclusion therein of so much of the urban district of Bebington and Bromborough in the county of Chester as comprises the whole of the width of so much of New Chester Road and of the Bromborough bypass road as extends from the northern end of the premises known as Little Eaton to a point on the easterly boundary of New Chester Road one hundred and thirty-six yards or thereabouts north of the point where the southern boundary of the said urban district crosses that road together with the area lying between the said portions of the said roads and the easterly boundary of New Chester Road as it existed prior to the construction of the said bypass road which portion of the said urban district is in this section referred to as "the added area."

(2) The Corporation may within or in respect of the added area exercise all or any of the powers conferred upon the Corporation by the Birkenhead Electricity Orders 1890 to 1925 and the Acts relating to the electricity undertaking.

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(3) The Corporation shall within six months from the passing of this Act deposit at the office of the Electricity Commission an Ordnance map on a scale of not less than six inches to the mile showing the boundaries of the added area.

50. Without prejudice to the rights and privileges of the Wirral Rural District Council and so long as the agreement dated the twenty-seventh day of January one thousand nine hundred and twenty-seven and made between the Corporation of the one part and the Wirral Rural District Council of the other part shall remain in operation the area of supply for the purposes of the Wirral and Neston Electricity Special Order 1925 as amended by the Birkenhead Extension Act 1927 and the Wallasey Corporation Act 1927 shall for the period during which the agreement has been or is in operation be deemed to have been and to be within the electricity limits and the Corporation may within or in respect of such area of supply exercise all or any of the powers conferred upon the Corporation by the Birkenhead Electricity Orders 1890 to 1925 and the Acts relating to the electricity undertaking.

As to
Wirral and
Neston
Electricity
Special
Order 1925.

51.—(1) No consumer to whom electricity is supplied by the Corporation shall without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Corporation for any other purpose.

Use for
lighting
purposes of
electricity
supplied
for other
purposes.

(2) 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 any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily

A.D. 1930. penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may be for the time being charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

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

(4) The provisions of section 18 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.

Power to
cut off
supplies
where
charges &c.
not wholly
paid.

52. The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any installation apparatus or fitting let on hire by the Corporation or supplied by them on hire purchase terms and which the Corporation are under obligation to maintain remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine.

Byelaws
as to
charging
of accumu-
lators.

53.—(1) The Corporation for the purpose of preventing fire in or injury to any building or premises or injury to any person may make byelaws with respect to the charging of accumulators and such byelaws may provide that in any case in which any contravention thereof is found to exist or to have existed the Corporation may cut off and disconnect the supply of electricity to the building or premises in or on which such contravention takes place.

(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

54. The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings Provided that such charges shall not exceed the sum of two shillings and sixpence for each reading.

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Charges for special readings of electricity meters.

PART V.

STREETS AND BUILDINGS.

55. The Corporation may upon such terms as they think fit convey any portion of a public street to the owner of any land adjoining it for the purpose of obtaining a uniform line of frontage and of improving such street and any moneys received by the Corporation from the owner under this section shall be applied in or towards repayment of moneys borrowed for street improvement purposes :

Power to Corporation to convey portions of street to adjoining owners.

Provided that in the event of any portion of a public street being conveyed 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 portion of street as if the same had continued to be part of the street Provided further that if the Corporation or the owner of the adjoining land desires an alteration of any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to the 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.

56.—(1) The Corporation during and for the purpose of the execution by them of any work which they may lawfully execute in any street may temporarily stop up divert and interfere with any street and may for any reasonable time by the erection of barriers or posts or otherwise prevent all persons other than those bona fide going to or from any house or building in the street from passing along and using the same and the Corporation shall provide reasonable access for foot passengers bona fide going to or from any such house or building Provided that the Corporation shall at all times during

Temporary stoppage of streets.

A.D. 1930.

the execution of any such work maintain a reasonably sufficient access both for vehicular and pedestrian traffic to or from any railway station or depot.

(2) Any person who shall take down alter or remove any such barrier or post or extinguish or remove any light used in connection therewith shall be liable to a penalty not exceeding five pounds.

Crossings
for horses
or vehicles
over
footways.

57.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large uses or permits to be used any kerbed or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor cycle in passing to and from such premises the Corporation may either—

(a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier in a summary manner as a civil debt.

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor cycle subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of the said condition shall be liable to a penalty not exceeding five pounds.

(4) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing

constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section. A.D. 1930.

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

- (i) All buildings or additions to buildings which may be erected on that land shall be erected in accordance with elevations approved by the Corporation;
- (ii) If the owner lessee or occupier of any such land shall construct—
 - (a) any door or entrance communicating with that street; or
 - (b) any wall or fence by the side of that street;

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

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

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

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

59.—(1) Any person intending in any street adjoining or abutting upon the recreation ground known as Hamilton Square Gardens—

- (a) to erect a building; or
- (b) to reconstruct or alter any building; or
- (c) to erect place or paint upon against or on a building any fascia board signboard or sign

Elevation of buildings erected on front lands to require approval.

Elevation &c. of buildings fronting Hamilton Square Gardens.

A.D. 1930.

shall before proceeding with the necessary works obtain the approval of the Corporation thereto and shall furnish the Corporation (as the case may be) with (a) drawings of the elevations of the building and particulars of the materials to be used in those parts of the building which are comprised in the elevations or (b) particulars of the manner in which and materials with which such reconstruction or alteration is proposed to be carried out or (c) particulars of the proposed fascia board signboard or sign.

(2) Within a period of six weeks after the receipt by them of the said drawings and particulars the Corporation shall send a notice in writing to the person by whom they were deposited either of their approval or if the building alteration board or sign is considered to be objectionable on any grounds of particulars of the objections.

(3) If the person by whom the said drawings and particulars were submitted shall be dissatisfied with the objections of the Corporation he may within a period of twenty-one days after the delivery of the notice from the Corporation require the question as to the reasonableness of such objections to be referred to a special tribunal whose decision shall be final.

(4) The special tribunal referred to in this section shall consist of (1) a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute (2) a Fellow of the Surveyors' Institution to be nominated by the President of the said institution and (3) 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 such tribunal.

(5) (a) In arriving at their decision the special tribunal may adopt such procedure as they think fit.

(b) The decision of the special tribunal shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the council and to the person by whom the drawings and particulars were submitted.

(c) In the event of a division of opinion among the members of the special tribunal the matter shall be decided by a majority of the members.

(d) The costs of any reference to the special tribunal shall be paid as the special tribunal may direct.

A.D. 1930.

(6) Where the drawings or particulars have been disapproved under this section it shall not be lawful to erect the building or to carry out the reconstruction or alteration or to erect place or paint the board or sign until the drawings and particulars 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.

60.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

Erection of buildings to greater height than adjoining building.

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

61.—(1) No public building public garage or building of the warehouse class shall be erected after the passing of this Act unless—

Provisions as to public buildings garages and buildings of warehouse class.

(a) a portion of the curtilage of such building abuts upon a street of sufficient width to afford adequate access for fire engines to approach such building; and

(b) sufficient space or other accommodation outside such building or in the covered entrance roadway or yard thereof is left available for the storage of dustbins required for use in connection with such building.

(2) Except with the consent of the Corporation no public garage or building of the warehouse class shall be erected after the passing of this Act unless an inspection chamber or chambers which shall be accessible

A.D. 1930. to the officers of the Corporation at all times for the purpose of ascertaining the nature of the discharge from such premises into the sewers of the Corporation is constructed to the reasonable satisfaction of the Corporation.

(3) 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 five pounds.

(4) In this section the expression "public building" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church chapel or other place of public worship or as a hospital workhouse college school (not being merely a dwelling-house so used) theatre public hall public concert room public ballroom public lecture room or public exhibition room or as a public place of assembly for persons admitted thereto by tickets or otherwise or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose and the expression "building of the warehouse class" means any building or portion thereof used or intended constructed or adapted to be used as a warehouse or store and includes any mill factory manufactory brewery distillery sugar works foundry engine works ironworks and other such building.

Amend-
ment of
section 157
of Public
Health
Act 1875.

62. Section 157 of the Public Health Act 1875 in its application to the borough shall extend to empower the Corporation to make byelaws with respect to—

(a) the setting back of new buildings abutting upon narrow passages and the depth of the foundations of such buildings; and

(b) the provision of walls roofs and floors of incombustible material in rooms used for the purpose of a garage in whatever premises they may be situate.

Further
provisions
as to
working-
class
houses.

63.—(1) For the purposes of Part I of the Housing Act 1925 any dwelling-house suitable for occupation by persons of the working classes the owner of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and to secure reasonable amenities for the

occupier or occupiers shall be deemed to be a house not in all respects reasonably fit for human habitation and the provisions of the said Part I shall apply accordingly.

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(2) On an appeal there shall be taken into consideration—

- (a) if the owner upon whom the notice is served is a lessee the length of the unexpired period of his lease;
- (b) the period for which the dwelling-house is likely to continue occupied;
- (c) the expenditure incurred by the owner during the preceding three years upon the dwelling-house; and
- (d) whether the condition of the dwelling-house is or is not due to the wilful neglect or default of the tenant.

(3) An owner may in lieu of appealing to the Minister appeal to the county court against—

- (a) any notice under Part I of the Housing Act 1925 requiring him to execute works so far as such notice refers to painting papering or distempering;
- (b) any demand for the recovery of expenses from him so far as aforesaid; and
- (c) any order made by the Corporation in respect of such expenses;

by giving notice of appeal to the town clerk and to the county court within twenty-one days after the notice is received or the demand or order is made as the case may be and no proceeding shall be taken in respect of any such notice order or demand while the appeal is pending :

Provided that—

- (i) no appeal against such a demand or order shall lie if and so far as the appeal raises any question which might have been raised on an appeal against the notice itself;
- (ii) any such notice demand or order shall be binding and conclusive as to any matters which could have been raised on such appeal;
- (iii) the decision of the county court upon any such appeal shall be final and no appeal shall lie therefrom.

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—
Prohibition on
erection of
buildings
over
drains.

64. Any person who without the consent of the Corporation causes any building to be newly erected over any drain shall be liable to a penalty of five pounds and a daily penalty of forty shillings and the Corporation may cause any building erected in contravention of this section to be altered pulled down or otherwise dealt with as they may think fit and may recover the expenses incurred by them in so doing from the offender.

As to
hoardings
and
similar
structures.

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

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

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

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

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

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which 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. A.D. 1930.

(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 and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section 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.

66.—(1) Before placing or erecting any hoarding or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding or fence proposed to be so placed or erected.

As to
erection
of hoard-
ings &c. at
street
corners.

(2) If the placing or erection of such hoarding or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

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(3) Any person who places or erects any hoarding or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) Any person deeming himself aggrieved by any requirement or prohibition or by the withholding of any approval of or by the Corporation under this section may within fourteen days from the date of such requirement prohibition or refusal of approval appeal to a court of summary jurisdiction and the court shall have power to make such order as the court may think fit and to award costs.

Prevention
of
obstructive
buildings.

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

(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 building 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 of the Housing Act 1925 and the provisions of that section with the necessary modifications shall extend and apply accordingly.

Prohibition
of tents
vans &c.

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

(b) It shall not be lawful for any person without the previous consent of the Corporation to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is

provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

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(c) Land furnished in compliance with this subsection with a separate supply of water shall be deemed to be a house for the purposes of the provisions relating to the supply of water for domestic purposes.

(2) Any person aggrieved by the withholding by the Corporation of any approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem 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.

(3) This section shall not apply to—

(a) a tent van shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months; or

(b) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

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

69. The provisions of this Part of this Act shall not apply to any portion of the Mersey Dock Estate or to any building (other than a dwelling-house) or street erected or constructed or to be erected or constructed on such estate and used or intended to be used for or in connection with the business or purposes of the dock board under any power vested in them.

For protection of Mersey Dock Estate.

70. Nothing in the sections of this Act whereof the marginal notes are—

For further protection of railway companies.

“Elevation of buildings erected on front lands to require approval”;

A.D. 1930.

“Erection of buildings to greater height than adjoining building”; and

“Prohibition on erection of buildings over drains”; 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 VI.

TOWN PLANNING.

Power to make town planning schemes with reference to developed lands.

71.—(1) The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the borough notwithstanding that the land in that area or any part thereof is developed at the time of the making of such scheme and the provisions of the Town Planning Act 1925 (in this Part of this Act referred to as “the Act of 1925”) shall subject to the provisions of this Part of this Act apply to the making of any such scheme and to any such scheme when made.

(2) This section shall not apply to any portion of the Mersey Dock Estate adjoining the docks or the river Mersey.

Explanation of section 5 of Act of 1925.

72. For the prevention of doubt be it enacted that paragraph (d) of subsection (2) of section 5 of the Act of 1925 (which relates to the suspension of statutory enactments) shall not apply to the provisions contained in this Part of this Act.

Purposes for which land may be purchased for town planning schemes under this Part of Act.

73. The purposes for which land may be purchased under a town planning scheme made pursuant to this Part of this Act shall include the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the Corporation that there would be difficulty in securing such development or re-development in accordance with those provisions by reason of the land concerned being used in a manner at variance therewith

or being held in parcels or plots of inconvenient size shape or arrangement: A.D. 1930.

Provided that the Corporation shall not under a town planning scheme made pursuant to this Part of this Act purchase otherwise than by agreement any land abutting on a new street or an existing street as proposed to be widened under such scheme for the purpose of securing the development or re-development of such land.

74.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made under section 8 of the Act of 1925 authorising the Corporation to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory in respect of which the Corporation have served upon him notice to treat for a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the arbitrator to whom any question of disputed compensation is referred under any such order (in this section referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the said specified portion of the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Corporation have compulsory powers of purchase) can be so severed.

As to properties of which parts only are required for town planning schemes.

(2) If the arbitrator determine that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto such owner or other person as aforesaid may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner or other person by severance or otherwise as shall be awarded by the arbitrator.

A.D. 1930.

(3) If the arbitrator determine that the portion of the property specified in the notice to treat can notwithstanding the allegation of such owner or other person as aforesaid be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by such owner or other person incident to the determination of any matters under this subsection shall be borne and paid by such owner or other person.

(4) If the arbitrator determine that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice.

(5) If the arbitrator determine that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

(6) The provisions of this section shall be stated in every notice given under any such order as aforesaid to sell and convey any premises.

Restriction
on rights
of purchase
in certain
cases.

75.—(1) The provisions of paragraph (2) of Part II of the Third Schedule to the Act of 1925 shall not apply in relation to any scheme made under this Part of this Act except in so far as they relate to any land which has been acquired by any company or the dock board for the purposes of a railway dock or canal but the Corporation shall not be entitled to purchase compulsorily any land which is the property of any local authority or has been acquired by any company body

or person for the purposes of a water or other public undertaking without the consent of such local authority company body or person but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister.

A.D. 1930.

(2) The Corporation shall not be entitled to purchase compulsorily any land which at the date of the order authorising the compulsory acquisition of the land forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house without the consent of the owner of such land but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be referred to and determined by an arbitrator to be appointed (failing agreement) by the President of the Surveyors' Institution and the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

76. No provisions in any such town planning scheme as aforesaid prescribing the space about buildings or limiting the number of buildings to be erected or prescribing the height or character of buildings within the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as—

Limitation
on require-
ments
under
scheme.

- (a) to require the demolition removal or alteration of any building existing at the date of the approval of the scheme by the Minister or of which the erection was commenced before that date; or
- (b) to affect the user of any building for any purpose for which the same was used at the said date unless the person entitled to the user of the building shall after that date (i) commence to use such building for any purpose other than that purpose or (ii) voluntarily cease for a continuous period of six months or upwards to use such building for any purpose.

77. For the purposes of subsection (2) of section 10 of the Act of 1925 the date of the approval by the Minister of a town planning scheme under this Part of this Act shall be substituted for the several dates referred to in that subsection.

Modifi-
cations of
section 10
of Act of
1925.

A.D. 1930.

Compul-
sory pur-
chase and
injurious
affection
of lands.

78. Any person who has any interest in property which is acquired compulsorily for the purposes of or in connection with or is injuriously affected by a town planning scheme made pursuant to this Part of this Act whether as owner mortgagee lessee under-lessee or occupier thereof (including an interest in any trade or business carried on thereon) shall be entitled to compensation under the provisions relating to the compulsory acquisition of land contained in the Act of 1925.

Registra-
tion of
ownership
of land and
service of
notices.

79.—(1) Any person being or claiming to be an owner of land within any area to which a scheme proposed to be made under the Act of 1925 or this Part of this Act relates may register his name and address with the Corporation and any person who has so registered his name and address in relation to any land within any such area shall be entitled to be served at his last registered address with a copy of any notices required by any regulations made by the Minister under the Act of 1925 or any Act repealed thereby to be given by the Corporation in connection with the preparation of such scheme and notwithstanding anything in the said regulations it shall not be incumbent on the Corporation to serve a copy of any of such notices on any person who has not so registered his name and address except that in the case of a railway company a copy of such notices shall be sent to the secretary at the principal office of such company :

Provided that in any notice advertised by the Corporation pursuant to any such Act or regulations as aforesaid of their intention to prepare or adopt any such scheme as aforesaid they shall give notice of the effect of the provisions of this section.

(2) For the purposes of this section the word "owner" has the same meaning as in the Lands Clauses Acts.

PART VII.

SANITARY PROVISIONS &C.

Byelaws
as to
inspection
of meat.

80.—(1) The Corporation may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the borough and intended for food from being offered for sale or sold or deposited for

sale or for preparation for sale until after inspection by an officer of the Corporation and for requiring any such meat or carcase to be taken for inspection to the abattoir of the Corporation. A.D. 1930.

(2) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1925 apply or which has been inspected and passed as fit for food by the medical officer of health of the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district. The Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughterhouse which is situate in the county of Chester outside the borough but within a circle having a radius of ten miles from the town hall for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the borough.

(4) Before making any such byelaws the Corporation shall give not less than one month's notice to the Birkenhead and District Master Butchers' Association and to the Cheshire Branch of the National Farmers' Union of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association and branch thereon before they submit them to the Minister for confirmation and such association and branch shall be entitled to make representations to the Minister with regard thereto.

(5) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

81.—(1) (a) The Corporation may by notice in writing require the owner of any dwelling-house warehouse shop or other premises to provide a sufficient number of covered galvanized iron dustbins in lieu of ashpits in Regulation dustbins.

A.D. 1930. all cases where ashpits are in such a condition as to require alteration or repair.

(b) No receptacle shall be used for the storage of refuse which is not properly covered and of such size and construction as may be approved by the Corporation.

(2) Every owner having provided any such dustbin whether pursuant to this section or otherwise shall maintain the same in good order and condition.

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

(4) 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) The owner of all premises in connection with which a dustbin has been provided shall if so required by the Corporation pay to the Corporation on each first day of April after such provision such sum not exceeding five shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such dustbin. Such payments shall be in satisfaction of the obligation of such owner in regard to the maintenance of such dustbin and shall be recoverable summarily as a civil debt.

(6) Any owner 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.

Penalty for failure to carry out work until after issue of summons.

82. In any proceedings under the Public Health Acts for the abatement of a nuisance to which the provisions of section 91 of the Public Health Act 1875 apply if the person on whom a notice to abate a nuisance has been served delays making compliance with any of

the requisitions thereof until after a summons has been issued requiring him to appear before a court of summary jurisdiction the court in addition to any other powers conferred upon them by the said Acts may if satisfied that the alleged nuisance existed impose a penalty not exceeding five pounds on the person on whom the notice was served notwithstanding that the nuisance is abated. A.D. 1930.

PART VIII.

POLICE PROVISIONS.

83. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage 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. Provided that this section shall not apply to persons employed by the mayor aldermen and burgesses of the borough of Wallasey and holding their licence to drive a hackney carriage. Provided also that this section shall so far as it relates to motor vehicles (other than tramcars and trolley vehicles) carrying passengers for hire or reward at separate fares or motor vehicles (other than tramcars and trolley vehicles) carrying passengers for hire or reward and adapted to carry eight or more passengers cease to have effect on the passing during the present session of Parliament of any general Act relating to road traffic. Power to impose test on motor drivers.

84. It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on occasions of emergency to cause barricades to be erected across any street and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes injures or destroys any such barricades shall be liable to a penalty not exceeding forty shillings. Provided that no such barricades shall be erected across any street on the Mersey Dock Estate except with the consent of the dock board. Provided also that no such barricades shall be erected across any street or road belonging to any railway company except with the consent of such railway company. Power to stop traffic on occasions of emergency.

85.—(1) Any person or persons intending to organise or form a procession in or through the streets at any point within a radius of three miles from the town hall As to processions.

A.D. 1930.

—

(other than processions which are regularly held in or through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the chief constable of the borough by leaving such notice at the head police office forty-eight hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

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

Regula-
tions for
controlling
traffic.

86.—(1) The Corporation may from time to time make regulations prescribing—

- (a) the streets which are not to be used for traffic by vehicles of any specified class or description either generally or during specified hours;
- (b) the streets or parts of streets in which vehicular traffic shall pass in one specified direction only either generally or during specified hours;
- (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—

- (i) any regulation made under paragraph (a) of this subsection shall not apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises whilst so engaged nor outside the central area to any omnibus licensed by the Corporation to ply for hire;
- (ii) any regulation made under paragraph (b) of this subsection shall apply only within the central area;
- (iii) no regulation shall be made under paragraph (b) of this subsection in respect of any street along which tramcars are for the time being operated in both directions;
- (iv) any regulation made under paragraph (c) of this subsection shall apply only within the central area.

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

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

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

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

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

(7) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper circulating in the borough

A.D. 1930. and otherwise in such manner as may be prescribed by the Minister of Transport and shall also during the continuance of any regulation approved under paragraph (b) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the said Minister indicating the effect of the regulation and the street to which it relates.

(8) A copy of any regulations approved under this section purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly approved shall be evidence (until the contrary is proved) in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

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

(a) shall contravene any regulation under paragraph (a) of subsection (1) 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 subsection (1) of this section and a warning notice shall have been erected pursuant to subsection (7) of this section in contravention of such regulation; or

(c) shall contravene any regulation under paragraph (c) of subsection (1) of this section;

shall be liable to a penalty not exceeding forty shillings.

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

(11) In this section—

(a) "the central area" means the portion of the borough comprised within a circle having

a radius of two miles from the town hall; A.D. 1930.
and

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

(12) This section shall not apply to the Mersey Dock Estate.

(13) This section shall cease to have effect on the passing during the present session of Parliament of any general Act relating to road traffic authorising the restriction on the use of vehicles in specified streets or parts of streets.

87. The Corporation may permit any market place or any land used for the purposes of any market or cattle market and any open land belonging to them to be used as a parking place for vehicles or for public meetings public services and speaking and public lectures or for entertainments and dancing and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto and may make such charges for such user as they may from time to time determine but nothing in this section shall operate to prevent the holding of any market.

Use of market place for public meetings &c.

88. Every police constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Act 1875 relating to any park or place of public resort or recreation ground under the control of the Corporation as is given to the servants of the Corporation by the byelaws from time to time in force under the provisions of the said Act Provided that nothing in this section shall extend affect or interfere with the area of jurisdiction of any police force.

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

89. Notwithstanding any enactment to the contrary it shall be lawful for any police officer acting for or within the borough to lay informations and complaints under or for the breach of any of the provisions of sections 37 to 68 of the Town Police Clauses Act 1847 as amended by the Town Police Clauses Act 1889.

Informations for breach of hackney carriage provisions of Town Police Clauses Act 1847.

90. Any park recreation ground or pleasure ground which has been or shall be provided or controlled by the Corporation outside the borough shall be deemed to be within the borough for the purposes of any statutory

As to parks &c. outside borough.

A.D. 1930. — provision as to parks recreation grounds or pleasure grounds which would have applied or been applicable thereto if the same had been situate within the borough. Provided that nothing in this section shall extend affect or interfere with the area of jurisdiction of any justices or any court of competent jurisdiction or any police force.

Dealers in
second-
hand goods
to be
licensed.

91.—(1) No person shall after the first day of October one thousand nine hundred and thirty carry on within the borough the business of a broker or dealer in second-hand goods without a licence from the Corporation authorising such person to carry on such business which licence the Corporation shall have power of granting or refusing. Provided that the applicant may appeal to a court of quarter sessions from a refusal of the Corporation to grant such licence.

(2) An application for any such licence shall be in such form as the Corporation shall from time to time require and shall be signed by the applicant and shall specify the Christian name and surname and place of abode of the applicant and the place where such business is proposed to be carried on.

(3) Every such licence shall be signed by the town clerk and shall be in force for one year only from the date of such licence or until the next general licensing day in case any such general licensing day be appointed by the Corporation as they are hereby authorised to do.

(4) There shall be specified in every such licence the Christian name and surname and place of abode of the applicant also the name of the street and the number of the house in which such business is or is intended to be carried on and the particular rooms or other parts of such house used or intended to be used for the purposes of such business.

(5) For every such licence and for every renewal thereof there shall be paid to the town clerk such sum not exceeding five shillings as the Corporation shall direct and the town clerk shall enter such licences in a register to be provided and kept by the Corporation for that purpose.

(6) Every person licensed under the authority of this section to carry on the business of a broker or dealer in second-hand goods shall cause to be painted

in capital letters not less than four inches in height and of a proportionate and proper breadth on the outside of the front of the house in which such business is in such licence stated to be carried on and so that the same shall be at all times plainly legible the Christian name and surname of such licensed person at full length together with the words "Licensed dealer in second-hand goods" and such person shall continue such name and words painted as aforesaid so long as he continues to carry on the said business upon the same premises.

(7) Whenever a licensee changes his place of abode or the place of carrying on his said business or carries on the same in any other part of the house than that mentioned in the licence as used for the purposes thereof he shall within twenty-four hours after such change give notice thereof in writing signed by him to the town clerk specifying in such notice his new place of abode or his new house of business or the additional or other part of the house used for the purposes of the said business as the case may be and shall within three days after such change produce his licence at the office of the town clerk who shall endorse thereon a memorandum specifying the particulars of such change.

(8) Any person offending against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(9) Any such licence may be suspended or revoked by any court before whom the licensee is convicted of any offence which in the opinion of the court renders it expedient that such licence should be suspended or revoked.

(10) Nothing in this section shall extend to—

- (a) pawnbrokers who are duly licensed for that purpose; or
- (b) persons who shall only occasionally deal in second-hand goods or articles and whose chief or principal occupation or business shall not be the dealing therein; or
- (c) persons who shall carry on the business of a general shipchandler or that business and the business of a ropemaker and who shall

A.D. 1930.

only occasionally deal in second-hand marine stores; or

- (d) persons being members of the Auctioneers' and Estate Agents' Institute of the United Kingdom who shall sell second-hand goods by auction.

PART IX.

FINANCE.

Power to borrow and repayment of borrowed moneys.

92.—(1) The Corporation may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all moneys so borrowed shall be chargeable on the revenues of the Corporation and shall be repaid within the respective periods set forth in the third column thereof and the Corporation may apply any sum so borrowed for the said purposes respectively (that is to say):—

Purpose.	Amount.	Period for repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite	Five years from the passing of this Act.
(2) For the purchase of lands - -	£ 7,000	Sixty years from the date or dates of borrowing.
(3) For the construction of the street improvements	10,000	Thirty years from the date or dates of borrowing.
(4) For the provision of omnibuses -	17,000	Eight years from the date or dates of borrowing.

(2) The Corporation may also with the sanction of the Electricity Commissioners borrow such moneys as may be necessary for any purpose of the electricity undertaking.

(3) The Corporation may also with the sanction of the Minister borrow such moneys as may be necessary— A.D. 1930.
—

- (a) for any purpose of the water undertaking; and
- (b) for any other of the purposes of this Act other than Part III (Trolley vehicles and omnibuses &c.).

(4) Any moneys borrowed under the powers of subsections (2) and (3) of this section shall be repaid within such periods not exceeding sixty years as may be prescribed by the authority with whose sanction such moneys are borrowed and all moneys so borrowed shall be chargeable on the revenues of the Corporation.

93. The following provisions of the Acts in this section mentioned shall so far as applicable extend and apply to and in respect of moneys borrowed by the Corporation under this Act as if they were re-enacted herein (that is to say):— Incorporation of certain financial provisions.

The Birkenhead Corporation Act 1881—

Section 287 (Protection of lenders from inquiry).

The Act of 1897—

Section 48 (Repayment of moneys hereafter borrowed under existing powers);

Section 49 (General provisions as to sinking funds).

The Birkenhead Corporation Act 1914—

Section 12 (Mode of raising money);

Section 15 (Power to borrow under Local Loans Act 1875);

Section 16 (Power to re-borrow);

Section 17 (Application of money borrowed);
and

Section 18 (Audit of accounts):

Provided that the periods for repayment referred to in the section of this Act whereof the marginal note is "Power to borrow and repayment of borrowed moneys" shall respectively be deemed to be "the prescribed period" for the purposes of such application of the said sections. Provided also that the said sections shall be read and have effect as if the Minister were

A.D. 1930. — referred to therein in lieu of the Local Government Board.

Lands
fund.

94. The Corporation may if they think fit establish a fund to be called "the lands fund" which shall form part of the general rate fund to provide for purchasing or acquiring or taking on lease and holding any lands and buildings which in their opinion it is desirable at any time to acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough (other than purposes of the tramway undertaking the water undertaking the gas undertaking the electricity undertaking the ferries undertaking and the markets undertaking) and such fund shall be formed by annually appropriating thereto out of the general rate such an amount as the Corporation may from time to time determine not exceeding the amount which would be produced by a rate of two pence in the pound calculated in manner provided by rules from time to time made by the Minister under the Rating and Valuation Act 1925 Provided that when the fund aforesaid shall amount to the sum of ten thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of ten thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of ten thousand pounds.

Power to
establish
savings
bank.

95.—(1) The Corporation may establish and maintain a savings bank (in this section referred to as "the bank") and may receive at the bank deposits and may guarantee the payment of interest on and the repayment of such deposits subject however to the following conditions:—

- (a) The accounts of the bank shall be kept separate from all other accounts of the Corporation;
- (b) The bank shall be carried on in accordance with such regulations as the Treasury or the Corporation with the approval of the Treasury may prescribe.

(2) The regulations to be prescribed under this section may apply with or without modification any of the provisions (including penal provisions and any provisions granting exemption from stamp duty in

respect of instruments and documents) contained in the enactments relating to savings banks but save as applied by the regulations those enactments shall not apply to the bank. A.D. 1930.

96.—(1) The Corporation may establish a housing department of the savings bank of the Corporation and may make advances upon the security of freehold or leasehold estate by way of mortgage to any depositor in the said bank desiring to purchase or acquire a dwelling-house or dwelling-houses within the borough or any interest therein and for this purpose shall have power to hold land with the right of foreclosure subject however to the following conditions:—

Power to make advances for housing.

(a) The Corporation shall be satisfied that the value of the premises is sufficient and that the title thereto is one which an ordinary mortgagee would be willing to accept;

(b) The repayment of the advance with interest within such period not exceeding thirty years as shall be agreed shall be secured by a legal mortgage legal charge or other valid instrument.

(2) The Corporation for the purposes of this section may utilise and invest the funds of the said bank.

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

PART X.

MISCELLANEOUS.

98.—(1) The burial ground at Flaybrick Hill in the borough shall be and continue to be vested in the Corporation as if such burial ground were acquired and constructed under the Public Health (Interments) Act 1879 and the provisions of that Act and of the enactments incorporated therewith or applied thereby shall extend and apply to such burial ground. As to Flaybrick Hill burial ground.

(2) The said burial ground and the revenue thereof shall be held and administered and the powers rights and duties of the Corporation relating to such burial

A.D. 1930. — ground and revenue shall be exercised and performed by the council for the benefit of the borough.

Extension
of section
148 of Act
of 1923.

99. The powers of section 148 (Bands and recreation grounds) of the Act of 1923 shall extend to enable the Corporation to provide or pay or contribute towards the expenses of any concert or dancing display or any pageant display or the performance of children's plays which concert display or performance takes place in any park or recreation ground for the time being vested in the Corporation and suitable for the purpose and to exercise the other powers of that section in relation thereto. Provided that the following restrictions shall have effect with respect to any concert or dancing display provided or the expenses of which are paid or contributed towards by the Corporation under this section (that is to say):—

(i) No stage play shall be performed;

(ii) The concert or other entertainment shall not include any performance in the nature of a variety entertainment; and

(iii) No scenery theatrical costumes or scenic or theatrical accessories shall be used.

Public
weighing
machines.

100.—(1) Any person who knowingly delivers or passes off or who knowingly causes or permits to be delivered or passed off with or in connection with a particular vehicle or the loading thereof any ticket which has been issued by a person keeping or acting as a keeper of a weighing machine to denote the weight of a different vehicle or loading shall be liable to a penalty not exceeding five pounds.

(2) Any person in charge of a vehicle who in regard to the weighing of such vehicle at any weighing machine refuses after being requested so to do by any person keeping or who acts as a keeper of the weighing machine to give his name and address and the names and addresses of the consignor and consignee of the load or who wilfully gives an incorrect name or address shall be liable to a penalty not exceeding five pounds.

Alteration
of charges
for weighing

101. As from the expiration of one month after the passing of this Act the part of Schedule (C) headed "Weighing at machines elsewhere than in or at a

market ” of the Act of 1891 shall be altered so as to provide as follows and the Acts relating to the Corporation shall be read and have effect accordingly :—

A.D. 1930.
 —
 elsewhere
 than in
 markets.

	Motor traffic.	Drawn traffic other than motor traffic.
	Not exceeding	
For the weighing of each load not exceeding 4 tons gross	1s. 0d.	8d.
For the weighing of each load exceeding 4 tons but not exceeding 8 tons gross -	1s. 4d.	1s. 0d.
For the weighing of each load exceeding 8 tons but not exceeding 12 tons gross -	2s. 0d.	1s. 4d.
For the weighing of each load exceeding 12 tons - - -	3s. 0d.	2s. 0d.
For each handcart and load not exceeding 5 cwts. gross	—	6d.

For weighing for motor registration and licence duty purposes—

	Not exceeding
Bicycles and tricycles - - -	1s. 0d. each.
Other vehicles (including axle- weights if required) - - -	2s. 0d. each.

The above tolls to include the issue of one weight ticket.

Duplicate tickets half-price exclusive of search fee.

102.—(1) Notwithstanding anything contained in section 25 (Byelaws) of the Birkenhead Extension Act 1927 all byelaws made under the Public Health Acts and in force within the areas added to the borough by that Act shall cease to apply therein and all byelaws made by the Corporation under the Public Health Acts shall apply to and within such areas.

Byelaws
 under
 Public
 Health
 Acts to be
 uniform
 throughout
 borough.

(2) In this section “byelaws” includes any regulation scale of charges list of tolls or table of fees or payments and the phrase “byelaws made under the Public Health Acts” includes all byelaws to which section 184 of the Public Health Act 1875 applies.

A.D. 1930.

—
 Repeal of
 certain
 obsolete
 byelaws.

Expenses
 may be
 declared
 private
 improve-
 ment
 expenses.

Penalty on
 occupier
 refusing
 execution
 of Act.

Power to
 enter
 premises.

In executing
 works for
 owner
 Corporation
 liable for
 negligence
 only.

103. All unrepealed byelaws which prior to the incorporation of the borough were made by the Birkenhead Improvement Commissioners or by the local board of any area now forming part of the borough shall cease to apply.

104. The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

105. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under or in pursuance of Part V (Streets and buildings) and Part VII (Sanitary provisions &c.) of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

106. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of Part V (Streets and buildings) and Part VII (Sanitary provisions &c.) of this Act as if those purposes had been mentioned in the said section 102.

107. Whenever the Corporation or the surveyor under any enactment or byelaw from time to time in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between

themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of 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. A.D. 1930.
—

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

109. Where under any local enactment from time to time in force 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 such local enactment are recoverable by the Corporation from the owners shall unless otherwise expressly provided be paid by the owners of such buildings in such proportions as shall be determined by the Corporation or in case of dispute by a court of summary jurisdiction. Apportionment of expenses in case of joint owners.

110. When any compensation costs damages or expenses is or are by any local enactment from time to time in force within the borough directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts Provided that where any such compensation costs damages or expenses is or are directed or authorised to be paid or recovered in addition to any penalty for any offence the amount of such compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted. Compensation how to be determined.

A.D. 1930.

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Appeal.

111. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part V (Streets and buildings) Part VII (Sanitary provisions &c.) and Part VIII (Police provisions) of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under any provision of this Act may if no other mode of appeal is provided by this Act or by any other 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 or a petty sessional court the Corporation may in like manner appeal.

Informa-
tions by
whom to
be laid.

112.—(1) Save as otherwise expressly provided all informations and complaints under or for the breach of any local enactment from time to time in force within the borough under which the Corporation or any of their officers are empowered to take proceedings may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

(2) Section 161 (Informations by whom to be laid) of the Act of 1923 is hereby repealed.

Incorpora-
tion of
certain pro-
visions of
Act of
1923.

113. The provisions contained in the sections of the Act of 1923 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if they were re-enacted in this Act (that is to say):—

Section 150 (Confirmation of byelaws);

Subsections (1) and (2) of section 151 (Inquiries by Minister of Health);

Section 158 (Recovery of penalties &c.);

Section 159 (Recovery of demands);

Section 162 (Saving for indictments &c.); and

Section 164 (Powers of Act cumulative).

Crown
rights.

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

115. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained 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 or out of such other funds and in such proportions as the Corporation shall determine or out of moneys to be borrowed under this Act for that purpose.

A.D. 1930.

—
Costs of
Act.

The SCHEDULE referred to in the
foregoing Act.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY
BE TAKEN COMPULSORILY.

Purpose.	No. on Deposited Plan.
Improvement No. 1 - - - -	1 to 20 inclusive.
Improvement No. 2 - - - -	22 to 25 inclusive.
Improvement No. 3 - - - -	26 27 and 31.
Improvement No. 4 - - - -	32 to 34 inclusive.

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