



CHAPTER ciii.

An Act to extend the boundaries of the county borough of West Hartlepool to confer further powers upon the mayor aldermen and burgesses of that borough with regard to their road transport and electricity undertakings and the health local government and improvement of the borough and for other purposes.

A.D. 1931.

[31st July 1931.]

WHEREAS the existing borough of West Hartlepool (in the preamble to this Act called "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation") and the Corporation acting by the council of the borough are the sanitary authority for the borough with the powers and obligations of an urban sanitary authority:

And whereas the unrepealed provisions of the local Acts specified in Part I of the schedule to this Act and of the Orders specified in Part II of that schedule are in force in the borough:

And whereas the parishes of Throston Rural Stranton and Seaton in the rural district of Hartlepool in the administrative county of Durham immediately adjoin the borough:

And whereas it is expedient to alter and extend the boundaries of the borough so as to include therein so much of the parishes of Throston Rural Stranton

A.D. 1931. and Seaton as is coloured respectively blue brown and purple on the borough map referred to in this Act and to alter and extend the boundaries of the parish of West Hartlepool so as to include therein the said parts of parishes :

And whereas the Corporation are operating a road transport undertaking within and beyond the borough and it is expedient to make further provision in regard to that undertaking :

And whereas the Corporation are the owners of the undertaking whereby the borough and ~~certain~~ areas in the neighbourhood thereof are supplied with electricity and it is expedient to make further provision with regard to the electricity undertaking of the Corporation as is in this Act provided :

And whereas it is expedient to make further and better provision with regard to the health local government and improvement of the borough (including the areas added thereto by this Act) and that the powers of the Corporation with regard thereto should be enlarged as is in this Act provided :

And whereas it is expedient to make further provision with regard to the finances of the Corporation and the application of revenue from their undertakings :

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

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

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the West Hartlepool Corporation Act 1931.

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

A.D. 1931.

Part I.—Preliminary.

Part II.—Extension of borough.

Part III.—Road transport.

Part IV.—Electricity.

Part V.—Streets buildings and drains.

Part VI.—Infectious disease and sanitary matters.

Part VII.—Financial provisions.

Part VIII.—Miscellaneous provisions.

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Division of
Act into
Parts.

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

Incorporation of
Lands
Clauses
Acts.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Public Health Acts shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpreta-
tion.

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

“ Existing ” in relation to any area altered by this Act means existing immediately before the appointed day;

“ The borough ” means until the appointed day the existing borough of West Hartlepool and thereafter the existing borough of West Hartlepool as extended by this Act;

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

“ The council ” means the council of the borough;

“ The mayor ” “ the town clerk ” “ the treasurer ” “ the medical officer ” “ the surveyor ” and “ the sanitary inspector ” mean respectively the mayor the town clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the borough and include

A.D. 1931.

- respectively any person duly authorised to discharge temporarily the duties of those offices respectively;
- “The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the borough;
- “The local Acts” means the local Acts specified in Part I of the schedule to this Act the Orders specified in Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to those Orders;
- “The appointed day” means the first day of April nineteen hundred and thirty-two;
- “The borough map” means the map marked “West Hartlepool extension borough map” and signed in triplicate by Herbert Dunnico the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;
- “The ward map” means the map marked “Map of the wards of the borough of West Hartlepool as extended by the West Hartlepool Corporation Act 1931” and signed in triplicate by Herbert Dunnico the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;
- “The county” and “the county council” mean respectively the administrative county of Durham and the county council of that county;
- “The rural district” and “the rural council” mean respectively the rural district of Hartlepool in the county and the rural district council of that district;
- “The added part of Throston Rural” “the added part of Stranton” and “the added part of

Seaton ” mean respectively the parts of the existing parishes of Throston Rural Stranton and Seaton in the rural district which are respectively coloured blue brown and purple on the borough map and “ the excluded part of Throston Rural ” “ the excluded part of Stranton ” and “ the excluded part of Seaton ” mean the remaining parts of those parishes respectively ;

“ The added areas ” means the added part of Throston Rural the added part of Stranton and the added part of Seaton ;

“ The existing parishes ” means the existing parishes of Throston Rural Stranton and Seaton ;

“ The Act of 1888 ” “ the Act of 1894 ” and “ the Act of 1929 ” mean respectively the Local Government Act 1888 the Local Government Act 1894 and the Local Government Act 1929 ;

“ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same ;

“ The Municipal Corporations Acts ” means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the Borough Councillors (Alteration of Number) Act 1925 ;

“ Provisional Order ” includes a Special Order ;

“ The Minister ” means the Minister of Health ;

“ Omnibus ” has the meaning assigned to it by section 4 (Interpretation) of the Act of 1919 ;

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

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

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

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

A.D. 1931.

- “Infectious disease” means (except where otherwise stated) any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;
- “Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- “Child” means a person under the age of sixteen years;
- “Food” has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;
- “The Order of 1894” “the Order of 1912” “the Act of 1919” and “the Act of 1923” mean respectively the West Hartlepool Electric Lighting Order 1894 the West Hartlepool Corporation Tramways Order 1912 the West Hartlepool Corporation Act 1919 and the West Hartlepool Corporation Act 1923;
- “Statutory security” “statutory borrowing power” and “revenues of the Corporation” have the meanings respectively assigned to them by section 4 (Interpretation) of the Act of 1919;
- “Authorised security” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money.

PART II.

EXTENSION OF BOROUGH.

Alteration of Boundaries.

Commence-
ment of
Part II
of Act.

5. Save as otherwise expressly provided this Part of this Act shall come into operation on the appointed day:

Provided that for the purposes of—

- (a) the compilation alteration or re-arrangement of any register of electors made under the Representation of the People Acts;

- (b) the qualification of candidates for election to the office of councillor of the borough; A.D. 1931.
- (c) all proceedings preliminary or relating to any election to be held in the year nineteen hundred and thirty-two for any area affected by this Part of this Act; and
- (d) the preparation of any precept or contribution order to be issued or made on or after the appointed day;

this Part of this Act shall operate from the date of its passing.

6.—(1) The boundary of the existing borough the area whereof is coloured red on the borough map shall be altered so as to include in addition to that area so much of the rural district as comprises the added part of Throston Rural the added part of Stranton and the added part of Seaton. Extension of borough.

(2) The boundary of the borough shall be that shown by the inner edge of the red line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough and shall be the county borough of West Hartlepool for the purposes of the Act of 1888 and for all other purposes.

7.—(1) Copies of the borough map deposited with the town clerk and certified by him to be true shall be sent by him as soon as may be after the passing of this Act to the clerk to the county council to the clerk to the rural council to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Minister to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Postmaster-General and copies of the ward map so deposited and certified in like manner shall be sent by the town clerk as soon as may be after the passing of this Act to the Minister to the Registrar-General and to the Minister of Agriculture and Fisheries. Borough and ward maps.

(2) Copies of or extracts from the borough map deposited with the town clerk and certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the

A.D. 1931. — map so far as it relates to the boundary of any area altered by this Part of this Act.

(3) The borough map deposited with the town clerk shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(4) All fees so received shall be carried to the general rate fund.

Alteration
of parishes.

8. The added part of Throston Rural the added part of Stranton and the added part of Seaton shall be added to and form part of the parish of West Hartlepool.

Provisions Consequent on Extension.

Existing
mayor
aldermen
and
councillors.

9. The persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing borough shall on the appointed day become the mayor aldermen and councillors of the borough but shall respectively retire from office on the day on which they would have retired from office if this Part of this Act had not been passed.

Municipal
wards
aldermen
and
councillors.

10. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of the number and boundaries of wards or the number of councillors the following provisions shall have effect:—

(a) The number of councillors and aldermen of the borough shall remain unaltered;

(b) For the purposes of the election of councillors the borough shall continue to be divided into eight wards;

(c) The added parts of Throston Rural Stranton and Seaton shall be included in the wards of the existing borough as follows:—

(i) so much of the added part of Throston Rural as is coloured blue on the ward map shall be included in the North Ward;

(ii) so much of the added part of Throston Rural as is coloured pink on the ward map shall be included in the West Ward;

A.D. 1931.

(iii) so much of the added part of Stranton as is coloured brown on the ward map shall be included in the Park Ward;

(iv) so much of the added part of Stranton as is coloured green on the ward map shall be included in the South West Ward;

(v) so much of the added part of Stranton as is coloured yellow on the ward map together with the added part of Seaton which is coloured purple on the ward map shall be included in the Seaton Ward;

and the councillors representing the said wards respectively immediately before the appointed day shall be deemed on and after that day to represent the said wards as respectively altered by this section;

(d) Except as provided by the last preceding paragraph of this section the existing wards shall remain unaltered and the councillors representing those wards at the appointed day shall continue to represent the same until they would go out of office in the ordinary course.

11. For the purposes of the application to the borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added areas shall be deemed to have always formed part of the borough.

County and Borough Councils (Qualification) Act 1914.

12. Subject to the provisions of section 54 of the Act of 1888 section 50 of the Act of 1929 and section 2 of the Representation of the People Act 1922 the added areas shall be separated from the existing Greatham electoral division of the county and the person who immediately before the appointed day is the county councillor representing the existing Greatham electoral division of the county shall be deemed to have been elected to represent that division as altered by this Part of this Act and shall retire on the date on which he would have retired if this Part of this Act had not been passed.

County electoral division.

13.—(1) The powers and duties of the justices of the peace appointed for the existing borough and of the clerk to those justices shall extend to and apply throughout the borough :

Jurisdiction powers and duties of justices &c. extended.

A.D. 1931.

Provided that—

- (a) Every person committing an offence in any of the added areas prior to the appointed day shall be tried and dealt with as if this Part of this Act had not been passed;
- (b) Every proceeding which prior to the appointed day has been begun or is pending before any justice in relation to any matter arising in or concerning any of the added areas may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Part of this Act had not been passed.

(2) The added areas shall cease to form part of any petty sessional division of the county.

Borough
auditors.

14. The auditors of the existing borough who are in office on the appointed day shall continue in office and shall be the borough auditors until the next ordinary day of election of borough auditors.

Corporation
property
liabilities
&c.

15. Subject to the provisions of this Part of this Act all property immediately before the appointed day vested in the Corporation for the benefit of the existing borough (not being property held on any charitable trust) shall by virtue of this Part of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which immediately before that day are exerciseable by or vested in the Corporation for the benefit of the existing borough and all liabilities which immediately before the appointed day attach to the Corporation in respect of the existing borough shall on and after that day attach to them in respect of the borough.

Mortgage
debts of
Corporation.

16.—(1) So much of any sums borrowed by the Corporation as immediately before the appointed day are owing and charged upon a fund or rate of the existing borough or the revenues of the existing borough shall be charged upon the corresponding fund or rate of the borough or the revenues of the borough.

(2) All borrowed moneys to which this section applies with the interest thereon shall be repaid by the Corporation within the respective periods for which the

loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable. A.D. 1931.

17. Subject to the provisions of this Part of this Act the powers rights privileges authorities and duties of the county council and the standing joint committee of the county respectively shall as from the appointed day cease to be exerciseable by or attach to that council and committee so far as regards the added areas. Jurisdiction of county authorities to cease.

18. The county council and the rural council respectively shall cease to exercise any powers or discharge any duties within any part of the added areas. Powers of county and district councils.

19.—(1) The persons who immediately before the appointed day hold the office of rural district councillors for the existing parishes of Throston Rural Stranton and Seaton shall act as rural district councillors for those parishes respectively as altered by this Part of this Act and shall continue in office until the date upon which they would respectively have retired if this Act had not been passed. As to rural council.

(2) Subject to the foregoing provisions of this section the rural council shall continue and shall be deemed to have been elected for and shall be the district council for the rural district as diminished by this Act.

20. Subject to the provisions of this Part of this Act and to any necessary adjustments— Property &c. of rural council.

(1) any property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation exclusively to any portion of the added areas shall by virtue of this Part of this Act be transferred to and vest in or attach to the Corporation as the urban authority for the execution of the Public Health Acts :

(2) any property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation to any portion of the added areas conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

A.D. 1931.

As to certain
parish
councils and
parish
meetings.**21.** Subject to the provisions of this Part of this Act—

- (1) the parish council of Throston Rural the parish meeting of Stranton and the parish meeting of Seaton shall cease to exercise any powers or discharge any duties within any part of the added areas :
- (2) the parish council of the existing parish of Throston Rural shall be deemed to have been elected as and shall be the parish council of the parish of Throston Rural as altered by this Part of this Act :
- (3) any powers and duties vested in or imposed on the said parish council or the parish meetings of the parishes of Stranton and Seaton in relation exclusively to the added areas or any part thereof shall be vested in and imposed on the Corporation :
- (4) any property or liabilities held or incurred by the said parish council or the said parish meetings or any representative body constituted by article 7 of the Overseers Order 1927 in relation exclusively to the added areas or any part thereof shall by virtue of this Act be transferred to and vest in or attach to the Corporation :
- (5) any property or liabilities held or incurred by the said parish council or either of the said parish meetings or any such representative body as aforesaid in relation to the added areas or the excluded part of any parish or any portion thereof respectively conjointly with any other area shall if necessary be a matter for adjustment under this Part of this Act.

County
valuation
committee.**22.** The representative of the Hartlepool and Sedgfield assessment area on the county valuation committee of the county council shall represent that assessment area as altered by this Part of this Act.

Local Acts.

23.—(1) Subject to the provisions of this Part of this Act the unrepealed provisions of the local Acts and of any other local Act or Provisional Order duly confirmed by Parliament and affecting the existing borough or the Corporation as the same respectively are in force

within the existing borough on the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof. Provided that notwithstanding anything contained in this Part of this Act no part of the added areas shall under the provisions thereof be included within the area of supply for the purposes of the Order of 1894 as extended by the West Hartlepool (Extension) Order 1897 and the West Hartlepool Electricity (Extension) Order 1921 except so much of the added part of Seaton as is coloured pink upon the map marked "West Hartlepool Electricity (Extension)" signed in triplicate by Herbert Dunnico the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office. A copy of the said map so deposited with the town clerk and certified by him to be true shall be sent by him as soon as may be after the passing of this Act to the Electricity Commissioners.

A.D. 1931.

(2) The provisions of any protective section for the benefit of the county council or the rural council (or the predecessors of either such council) contained in any local Act confirmation Act or Provisional Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the added areas enure to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to such council or their predecessors as the case may be.

24.—(1) The provisions of—

- (a) The Infectious Disease (Prevention) Act 1890;
- (b) The Public Health Acts Amendment Act 1890;
- (c) The Museums and Gymnasiums Act 1891 (so far as relating to museums);
- (d) The Public Libraries Acts 1892 to 1919;
- (e) The Health Resorts and Watering Places Act 1921; and
- (f) Parts II III IV and V of the Public Health Act 1925;

Adoptive
Acts.

shall be in force within and apply to the borough.

A.D. 1931.

(2) The provisions of any adoptive Act in force in any part of the added areas immediately before the appointed day shall subject to the provisions of this section cease to be in force within and apply to such part of the added areas.

(3) Any order under the Public Health Acts the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas and any such order in force immediately before that day within the added areas or any part thereof shall save as hereinbefore provided cease to be in force in the added areas or such part thereof.

Orders
under Shop
Hours Act
1904 or
Shops Acts
1912 to
1928.

25. Any order made under the Shop Hours Act 1904 or under the Shops Acts 1912 to 1928 and in force immediately before the appointed day in any area affected by this Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applies immediately before the appointed day.

Orders
under Wild
Birds Pro-
tection Acts.

26. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in the existing borough shall extend to the added areas and any order under those Acts which is then in force in the county shall cease to extend to the added areas.

Orders
under
section 33
of Act of
1894.

27.—(1) The provisions of any order under section 33 of the Act of 1894 in force at the appointed day in the existing borough (so far as such provisions still have effect) shall have effect as if any reference in that order applicable to the existing borough extended and applied to the borough and as if any reference in that order to the existing parish of West Hartlepool also extended and applied to that parish as extended by this Part of this Act.

(2) An order may be made by the Minister under section 33 of the Act of 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of any existing parish affected by this Part of this Act as if this Act had not been passed.

28. Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925—

A.D. 1931.

—
Orders
under
Public
Health Acts
Amendment
Act 1907
or Public
Health Act
1925.

(1) The provisions of any order made before the appointed day and declaring to be in force throughout the existing borough any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing borough extended and applied to the borough and as if such parts or sections were accordingly declared to be in force within the borough :

(2) Any other order under either of those Acts which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas :

(3) The provisions of any order made before the appointed day and declaring to be in force within any part of the added areas any parts or sections of either of those Acts shall cease to apply to such part of the added areas and the parts or sections declared by any such order to be in force shall save as hereinbefore provided cease to be in force within such part of the added areas but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

29.—(1) All byelaws made under the Public Health Acts and in force within the existing borough or within the added areas immediately before the appointed day shall—

Byelaws
regulations
and scales
of charges.

(a) If made before the first day of January nineteen hundred and fifteen continue to apply to the existing borough or to such part of the added areas as the case may be for three years after the appointed day (unless previously repealed or altered by the Corporation) but shall on the expiry of three years cease to be in force within the borough ;

A.D. 1931.

(b) If made on or after the first day of January nineteen hundred and fifteen continue to apply to the existing borough or to such part of the added areas as the case may be until repealed or altered by the Corporation.

(2) Notwithstanding the foregoing provisions of this section any such byelaws in force in the existing borough may by a byelaw made in accordance with sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority be continued and be extended with or without modification to the added areas.

(3) In their application to the added areas any byelaws continued in force by the foregoing provisions of this section shall have effect as if they had been made by the Corporation or by the watch committee of the existing borough and as if the added areas or the part thereof to which such byelaws apply were referred to therein instead of the area to which they apply immediately before the appointed day.

(4) All other byelaws made by the Corporation or by the watch committee of the existing borough and in force immediately before the appointed day shall apply to the borough until repealed or altered and all byelaws made by the county council or the standing joint committee of the county shall on that day cease to apply within the added areas.

(5) Any proceedings which if this Part of this Act had not been passed might have been taken for any offence against any byelaw committed before the appointed day within the added areas may be taken by the Corporation.

(6) 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" means byelaws which under the Ministry of Health Act 1919 are subject to confirmation by the Minister whether made before or after the passing of that Act.

Register of
nursing
homes.

30.—(1) The clerk of the county council shall before the appointed day send to the town clerk a copy of every entry in the register of the county council under the Nursing Homes Registration Act 1927 which relates to

any nursing home situate within the added areas and the town clerk shall include in the register of the Corporation under that Act the particulars furnished by the clerk of the county council. A.D. 1931.
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(2) Any exemption in force immediately before the appointed day from the operation of the Nursing Homes Registration Act 1927 which may have been granted by the county council in respect of premises within the borough shall continue in force until the exemption shall expire.

31.—(1) The Minister may by order at any time after the passing of this Part of this Act make such provisions as appear to him to be necessary for transferring to the insurance committee for the borough such of the property rights and liabilities of the insurance committee for the county as relate to persons resident in the added areas. Insurance committees.

(2) An order made under this section may authorise the insurance committee for the county to continue to act as insurance committee for the added areas until such date not being later than the thirty-first day of December nineteen hundred and thirty-two as may be specified in the order and may for that purpose postpone the operation of this Part of this Act so far as it relates to the rights and duties of the respective insurance committees for the county and borough until the date so specified and may provide for such financial adjustments and may contain such other consequential and supplementary provisions as may appear to the Minister necessary or expedient.

(3) An order under this section may be revoked revised or amended by an order made in like manner as the original order.

(4) Subject to any order under this section the persons who immediately before the appointed day are members of the respective insurance committees for the county and the existing borough shall be deemed to have been appointed or elected as and shall be the members of the respective insurance committees for the county as altered by this Part of this Act and the borough.

32.—(1) Any proceeding taken by the rural council under the Town Planning Act 1925 or any enactment thereby repealed (including any agreement order approval Town planning.

A.D. 1931. — consent or notice under that Act or repealed enactment) and any resolution passed or other proceeding taken by the county council under that Act as extended by the provisions of the Act of 1929 shall in so far as it relates to land within the added areas have effect as if it had been taken by the Corporation in respect of that land.

(2) The Corporation shall exercise the powers conferred and be subject to the duties imposed on the rural council by the Hartlepoons Regional Town Planning (General Interim Development) Order 1929 in so far as it relates to land within the added areas.

Officers.

Meaning of
"local
authority"
and
"officer" in
certain
sections of
this Part of
this Act.

33. In the sections of this Part of this Act relating to compensation to officers unless the context otherwise requires—

"local authority" means a local authority as defined in section 3 of the Local Government and other Officers' Superannuation Act 1922 and includes the standing joint committee of a county;

"officer" includes a servant and any person whose salary or wages is or are paid by a local authority.

Officers of
Corporation
continued.

34. The town clerk and all other officers of the Corporation of the existing borough who hold office immediately before the appointed day shall continue to be the town clerk and officers of the Corporation of the borough and shall hold their offices by the same tenure as before that day.

Existing
officers in
added areas.

35.—(1) All persons who at the passing of this Act are officers employed whole time by the county council or the rural council exclusively in the added areas shall be transferred to and become officers of the Corporation.

(2) Every officer so transferred shall hold his office or employment by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing similar duties to those which he was required to perform immediately before the appointed day shall receive not less salary wages or emoluments and shall be entitled to not less pension (if any) than

the salary wages emoluments or pension to which he would have been entitled if this Act had not been passed. A.D. 1931.

(3) The Corporation may distribute their business among the transferred officers and other officers of the Corporation in such manner as they may think proper and every officer shall perform such duties in relation to that business as may be directed by the Corporation and the Corporation may abolish the office or determine the appointment of any officer subject nevertheless to the consent of the Minister if the officer is removeable only with the Minister's consent or by the Minister.

(4) If at any time within five years after the appointed day any transferred officer is required by the Corporation to perform duties which are not analogous to or which are an unreasonable addition to those which that officer was required to perform before the appointed day the officer may relinquish his office.

(5) Where before the appointed day the local authority from whom any officer is transferred by virtue of this Act has whether alone or in combination with any other local authority adopted the Local Government and other Officers' Superannuation Act 1922 (in this subsection referred to as "the Act of 1922") or has entered into an agreement with another local authority under the provisions of subsection (3) of section 5 of that Act and the officer held a post which on that date was a designated post under the Act of 1922 the said Act shall continue to apply to him as if the Corporation had adopted that Act and had designated his post as an established post for the purposes thereof and the county council or other local authority from whose service such officer is transferred shall pay to the Corporation in respect of the officer a sum as transfer value calculated in accordance with the provisions of the said Act :

Provided that the Corporation shall not by reason of anything in this subsection contained be deemed to have adopted the Act of 1922 except so far as is necessary for the purposes of this subsection :

Provided also that it shall be lawful for the Minister by order to dispense with the necessity for the establishment by the Corporation of a superannuation fund under the Act of 1922 for the purposes of this section and to make such consequential modifications of the Act of 1922 as may be necessary.

A.D. 1931.

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Compensa-
tion to
existing
officers.

36.—(1) Every officer in office at the date of the passing of this Act who by virtue of this Part of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office by determination of his appointment or by diminution or loss of fees salary or emoluments (and for whose compensation for that loss no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

(2) Any transferred officer who relinquishes his office under subsection (4) of the section of this Act of which the marginal note is "Existing officers in added areas" or any officer whose services are dispensed with or whose fees salary or emoluments are reduced within five years after the appointed day because his services are not required or his duties are diminished in consequence of this Part of this Act and not on the ground of misconduct shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Part of this Act.

(3) The provisions set out in the Eighth Schedule to the Act of 1929 except the provision numbered 11 shall apply to the determination of compensation to officers under this Part of this Act as if such provisions were re-enacted in and formed part of this Act and as if references therein to "the council" and "a council" and to the Act of 1929 were references to the Corporation and to this Act respectively.

(4) The expression "registration officer" in such provisions shall mean for the purposes of this Part of this Act any superintendent registrar and registrar of births and deaths.

Compensa-
tion and
superannua-
tion.

37. No officer shall be entitled to receive compensation under this Part of this Act for pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

Supplementary Provisions.

Differential
rating.

38.—(1) The Minister may if he thinks fit on the application of the Corporation on the one hand or of the local authority of any part of the added areas or any railway or gas or water company owning property in the

added areas on the other hand (such application to be made in writing before the expiration of a period of two months after the passing of this Act) order that for the period or periods stated in the order the total amount in the pound of the general rate to be made and levied upon rateable hereditaments situate in the added areas or any part thereof shall be more or less than the total amount in the pound of the general rate to be made and levied upon hereditaments within the area of the existing borough by such sum or sums as may seem equitable to him after considering any representations that may be made to him by such local authority or railway or gas or water company or by the Corporation (as the case may be).

A.D. 1931.

(2) For the purposes of this section "a local authority" means the rural council and the parish council or (where there is no parish council) parish meeting of any of the existing parishes.

39. For the purposes of all valuation lists of the borough under the Rating and Valuation Act 1925 the amount of the deduction to be made under paragraph (c) of subsection (1) of section 22 of that Act from the net annual value of such rateable hereditaments within the added areas as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall notwithstanding the provisions of any Act be twenty-three per centum.

Deduction
in ascer-
taining
rateable
value of
tithes
railways &c.

40.—(1) As from the appointed day—

(a) the added areas shall be deemed to form part of the rating area and of the assessment area of the borough;

(b) the valuation list of the existing borough and the portions of the valuation list of the rural district modified where necessary in order to give effect to the provisions of the last preceding section of this Act which relate to hereditaments within the added areas shall together form the valuation list of the borough as from the appointed day;

(c) the remaining portions of the valuation list of the rural district shall be the valuation list of that district as from the appointed day;

Application
of Rating
and Valua-
tion Act
1925.

A.D. 1931.
—

(d) any scheme made under the Rating and Valuation Act 1925 for the constitution of an assessment area which includes any part of the added areas shall be varied by excluding such part from such assessment area and any person who immediately before that day is the representative of any part of the added areas on any assessment committee shall cease to represent the same.

(2) Except as expressly provided by this Part of this Act nothing in this Act shall affect the provisions of the said Act of 1925.

Provision
for adjust-
ments.

41.—(1) Subject to the provisions of this section where in consequence of any alteration of areas or authorities made by this Part of this Act any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration is required an adjustment shall be made between the councils or other authorities affected under and in accordance with section 62 of the Act of 1888 and that section shall apply to any such adjustment subject to the following modifications:—

- (a) As if in subsections (5) (6) and (7) of that section the expression "council" included any authority affected by this Part of this Act or by anything done in pursuance of this Part of this Act;
- (b) As if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in subsection (6) of the section that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all moneys so borrowed shall be repaid within such period as the Minister may sanction;
- (c) As if the fund or rate specified in any agreement or award of adjustment were substituted for any fund mentioned in the section; and

(d) As if the following subsection were added to the section— A.D. 1931.

“ (8) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that a separate rate shall be levied in part only of a rating area the agreement or award may authorise such rate to be levied in that part as an additional item of the general rate.”

(2) Section 62 of the Act of 1888 as modified by subsection (1) of this section shall extend to any question which may arise in consequence of the extension by this Act of the existing borough—

(a) as to any financial relations (including the distribution of any moneys) between the Corporation and the county council;

(b) as to any financial relations (including the distribution of moneys) between—

(i) either the Corporation or the county council and the Corporation on the one hand; and

(ii) the council of any other county borough within the county on the other hand.

(3) Subsection (6) of section 32 of the Act of 1888 (which relates to the revision of financial adjustments) shall extend to any financial adjustment made under subsection (2) of this section.

(4) This section shall not extend to any matter for the adjustment of which provision is made in any other Act or in the section of this Act whereof the marginal note is “ Adjustment for purposes of licensing.”

42. In any adjustment between the Corporation and any council or other authority which may be made in consequence of this Part of this Act regard shall be had to the interest or share (if any) of the added areas or any part thereof or of any council or authority in any property— Adjustment as to properties.

(a) which is retained by or transferred to such council or other authority after or as from the appointed day who will thereby be relieved from providing accommodation; or

A.D. 1931.

(b) which was prior to the appointed day subject to beneficial user by the inhabitants of the added areas or any part thereof; or

(c) which or some part of which is realisable;

and due credit shall be given in such adjustment to the Corporation or any other council or authority in respect of such interest or share (if any) except to the extent to which the property will remain or become a burden on the council or other authority by whom it is retained or to whom it is transferred.

Adjustment
for purposes
of licensing.

43.—(1) An equitable adjustment shall be made between the county and the borough respecting the interest of the added areas in any compensation fund constituted under section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

(2) Such adjustment shall be made by agreement between the compensation authority (as defined by the Licensing (Consolidation) Act 1910) for the county and for the borough within twelve months from the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of that Act shall apply accordingly.

Duplicate
entries in
electors'
lists.

44.—(1) The registration officer of the parliamentary county of Durham shall supply the registration officer of the parliamentary borough of The Hartlepoons on publication with a sufficient number of copies of the electors' lists the lists of objections to the electors' lists the lists of claimants and the lists of objections to claimants for each registration unit comprising any part of the added areas and shall forthwith notify the registration officer of the parliamentary borough of The Hartlepoons of his decision on any objections or claims in respect of any such registration unit.

(2) It shall be the duty of the registration officer of the parliamentary borough of The Hartlepoons to

issue such notices and otherwise to take such steps as are required by rule 23 in the First Schedule to the Representation of the People Act 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the borough for the purpose of borough council elections.

A.D. 1931.
—

(3) Where the registration officer of the said parliamentary borough considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for the purpose aforesaid should be made in the electors' lists of any registration unit comprising any part of the added areas he shall forthwith notify the registration officer of the said parliamentary county and that officer shall make such correction accordingly.

(4) This section shall apply to the preparation of the register in the year nineteen hundred and thirty-two and of later registers.

45.—(1) For the purposes of the register of local government electors of the borough prepared in the year nineteen hundred and thirty-two and of all matters connected with incidental to or consequent upon those purposes the added areas shall be deemed to have formed part of the borough as from the first day of the qualifying period for the register for the year nineteen hundred and thirty-two.

Provisions
as to
register of
electors.

(2) If the register of local government electors for any local government electoral area affected by this Part of this Act is not so framed as to show the persons entitled to vote at an election to be held for a district parish or ward or other voting area—

(a) the town clerk in the case of an election for any voting area within the borough; and

(b) the registration officer of the parliamentary county of Durham in the case of an election for any voting area outside the borough;

shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election.

(3) The additional expenses (if any) solely occasioned by any alteration or re-arrangement of the register authorised by subsection (2) of this section shall be borne by the Corporation.

A.D. 1931.

(4) It shall be the duty of the town clerk and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the rural council for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by any registration officer for the purpose of any alteration or re-arrangement authorised by subsection (2) of this section.

(5) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable to give effect to the provisions of this section and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

Jury service.

46. For the purpose of summoning jurors and of jury service any parish affected by this Part of this Act shall be deemed to continue unaltered until a new jurors' book comes into force.

Local land
charges
registers.

47.—(1) The local registrars for the county and for the rural district under the Land Charges Act 1925 and the rules made thereunder shall within one month after the appointed day supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to any premises situate within the added areas and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

(2) The local registrar for the borough shall within one month after the receipt of the office copy mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate part of the local land charges register of the borough.

(3) Until the entries are made as aforesaid or until the expiration of two months from the appointed day whichever be the earlier day the following provisions shall have effect in respect of all land within the added areas :—

(a) The local registrar for the borough shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the rural district and in the register for the county;

A.D. 1931.

(b) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the rural district the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county a copy of the application;

(c) The local registrar for the rural district and the local registrar for the county shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Part of this Act had not been passed;

(d) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrar for the county in pursuance of the provisions of paragraph (c) of this subsection shall be paid by the Corporation.

(4) Where an entry of a local land charge which has been duly made in the local land charges register of the county or of the rural district is in pursuance of this Act transferred from the register of the county or the rural district to the register of the borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the borough.

48.—(1) Every person resident in the added areas at the appointed day who has acquired or is in the course of acquiring—

Settlement
and irre-
moveability.

(a) a settlement in the county by reason of residence birth or other qualification therein; or

(b) a status of irremoveability from the county by reason of residence therein;

shall be deemed to have acquired or to be in the course of acquiring thereby as the case may require a settlement in or status of irremoveability from the borough.

A.D. 1931.

(2) For the purpose of this section consecutive periods of residence between the thirty-first day of March nineteen hundred and thirty and the appointed day in two or more places in the county shall be aggregated and reckoned as continuous residence in that part of the county in which the person was residing at the appointed day.

(3) A person resident in a poor law institution or institution for persons of unsound mind immediately before the appointed day shall not for the purposes of this section be deemed by virtue of such residence to be resident in any of the added areas immediately before the appointed day.

Apportionment of balances and sums received under precepts.

49.—(1) As soon as practicable after the appointed day the county council and the rural council shall as regards any cash balances in their hands at the appointed day estimate the proportion thereof derived from contributions paid by any part of the added areas and subject to a deduction on account of undischarged liabilities in respect of such part of the added areas accruing up to the appointed day shall transfer such amount to the Corporation.

(2) Any sum received after the appointed day by the county council or the rural council under a precept issued or rate made before that day in respect of any part of the added areas shall be dealt with in the manner prescribed by subsection (1) of this section.

(3) The apportionment under this section of any balance or sum received shall be subject to review on an adjustment under this Part of this Act.

Contribution orders precepts and arrears of rates.

50.—(1) Notwithstanding the alterations of areas effected by this Part of this Act all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Part of this Act had not been passed.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added areas shall be collected and recovered by the Corporation.

(3) Any rates so collected and recovered shall be a matter for adjustment under section 62 of the Act of 1888.

51. Any scheme made by the Corporation or the Registrar-General under the provisions of section 24 of the Act of 1929 shall make provision for dealing with the added areas but until the date on which a scheme affecting the added areas comes into operation nothing in this Part of this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in the Births and Deaths Registration Acts 1836 to 1929 as to the alteration thereof.

A.D. 1931.

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As to registration districts.

52. Any ratepayer of any existing parish which is altered by this Part of this Act shall at all times have the same right of inspection and of making extracts from the books and documents of that existing parish which he would have had if this Part of this Act had not been passed.

Parish books and documents.

53. Nothing in this Part of this Act contained shall be deemed to take away prejudice or affect the right of the county council to make any order or orders under the provisions of section 57 of the Act of 1888 as amended by section 48 of the Act of 1929 in relation to the excluded part of Throston Rural the excluded part of Stranton and the excluded part of Seaton or any portion thereof respectively and nothing contained in this Act shall be deemed to prejudice or affect the operation of Part IV of the Act of 1929 in relation to those excluded parts or portions thereof.

Saving for certain general enactments.

54. Any alderman or councillor who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification for being an alderman or councillor by reason of the alterations of area made by this Part of this Act.

Saving for qualification of aldermen and councillors.

55.—(1) No alteration effected by this Part of this Act shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any local or other authority or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by that authority or their predecessors :

Savings for actions contracts &c.

A.D. 1931.

Provided that—

- (a) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority in relation exclusively to any part of the added areas may be continued prosecuted and enforced by or against the Corporation; and
- (b) all contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by the rural council (or their predecessors) in relation exclusively to any part of the added areas may be continued and enforced as fully and effectually as if instead of that council (or their predecessors) the Corporation had been a party thereto.

(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Part of this Act.

Other
savings.**56.** Nothing in this Part of this Act shall—

- (1) restrict the power of the Secretary of State the Minister or the county council under the Act of 1888 the Act of 1894 the Act of 1929 or the Poor Law Act 1930;
- (2) affect the limits of the parliamentary borough of The Hartlepoons or the parliamentary county of Durham or the powers of the county council for the division of their parliamentary county into polling districts for parliamentary elections or for the division of the county into polling districts for the election of county councillors or any existing order or scheme for either of those purposes or for naming the polling places at any election;
- (3) affect the ecclesiastical divisions of any parish or prejudice vary or affect any power right interest or jurisdiction in or over or in connection with any charitable endowment; or
- (4) affect land tax.

PART III.

A.D. 1931.

ROAD TRANSPORT.

57.—(1) The following provisions of the Order of 1912 shall extend and apply to the omnibuses of the Corporation authorised by the Act of 1919 and to any other public service vehicles (as defined by the Road Traffic Act 1930) which the Corporation are for the time being authorised to run as if such omnibuses and public service vehicles were carriages used on the tramways of the Corporation and as if those provisions were with all necessary modifications set out in this section (that is to say) :—

- Section 30 (Passengers' fares);
- Section 31 (As to fares on Sundays and holidays);
- Section 32 (Passengers' luggage);
- Section 34 (Rates and charges for animals goods &c.);
- Section 36 (Periodical revision of rates and charges) :

Provided that notwithstanding anything contained in the said section 30 as so extended and applied the Corporation may charge for any less distance than two miles not being less than half a mile a sum not exceeding twopence :

Provided also that the power to demand and take rates and charges which is conferred upon the Corporation by such extension and application of the said section 34 shall only relate to the carriage of parcels not exceeding fifty-six pounds in weight.

(2) Where the Minister of Transport causes an inquiry under the provisions of the said section 36 (as extended and applied to the provisions of this section) to be held all expenses incurred by the said Minister in relation to that inquiry shall be paid as the said Minister may by order direct either by the Corporation or by any of the parties on whose representations the inquiry is held or partly by the Corporation and partly by any of such parties and the said Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the said Minister to be paid shall be a debt due to the Crown.

A.D. 1931.

Lost
property.

58.—(1) Any property found in any trolley vehicle or omnibus of the Corporation shall forthwith be handed to the conductor thereof and be taken by him to a place to be appointed for the purpose by the Corporation and any property found in any cloakroom shed shelter or waiting-room erected maintained or provided in connection with the transport undertaking of the Corporation shall forthwith be taken to such a place as aforesaid and if any such property as aforesaid be not claimed within three months after the finding thereof it shall vest in the Corporation and may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof shall be treated as part of the revenue of the transport undertaking :

Provided that the Corporation—

- (a) may if such property be claimed by and restored to the owner thereof make and recover from such owner such reasonable charge in respect thereof as the Corporation shall think fit;
- (b) may if such property appears to them to be of a perishable nature forthwith sell the same and if the property be claimed by the owner thereof within six months shall pay to such owner the money received on such sale less such reasonable sum for expenses as the Corporation shall think fit.

(2) Subsection (1) of this section shall cease to have effect in relation to omnibuses on the coming into force of any regulations made by the Minister of Transport under the Road Traffic Act 1930 with regard to property left in vehicles so far as omnibuses of the Corporation are vehicles to which such regulations apply.

Definition
of transport
undertaking.

59. As from the date of this Act the undertaking of the Corporation which includes their trolley vehicle and omnibus undertakings shall be known as the transport undertaking of the Corporation and the following enactments shall be read and have effect

as if the transport undertaking were therein referred to instead of the tramway undertaking (namely) :— A.D. 1931.

The Act of 1919—

Section 26 (Omnibuses to form part of tramway undertaking).

The Act of 1923—

Section 21 (Trolley vehicles to form part of tramway undertaking);

Section 27 subsection (3) (Power to borrow);

Section 31 (Accounts to be furnished to Minister of Transport).

PART IV.

ELECTRICITY.

60.—(1) Where under the provisions of any Act or Order relating to the Corporation or their electricity undertaking the electricity limits are bounded by or abut upon any road such limits shall be deemed to extend to the centre of the road. As to electricity limits.

(2) Where any area of supply for the time being of the Cleveland and Durham County Electric Power Company is bounded by or abuts upon any road the whole width of which is comprised within the electricity limits such area of supply shall be deemed to extend to the centre of such road.

(3) Provided that nothing in this section shall be deemed to confer upon the Corporation or the said company any powers of using electricity in any road or of supplying electricity for use therein.

61.—(1) The Corporation may by agreement supply electricity to any house building or premises which or the curtilage of which is partly within and partly outside the electricity limits in the same manner as if such premises were wholly within such limits. Supply to premises partly without electricity limits.

(2) Where any area of supply for the time being of the Cleveland and Durham County Electric Power Company is contiguous to the electricity limits the said company may by agreement supply electricity to any house building or premises which or the curtilage of which is partly within and partly without such area of supply of the said company in the same manner as if such premises were wholly within such limits.

A.D. 1931.

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

62. The Corporation may upon the application of the owner or occupier of any premises in the electricity limits abutting on or in process of erection in any street laid out or made and whether dedicated to public use or not supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section :

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

Power to
construct
electrical
sub-stations
under
streets.

63. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the electricity limits sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient :

Provided that the Corporation shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway of a railway company or under any bridge carrying a railway over a street or within ten feet of any abutment of any such bridge without the consent of the railway company but such consent shall not be unreasonably withheld or (b) so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company.

64. The Corporation may with the consent of the owner of any building attach to that building such external brackets wires and apparatus as may be required for the purposes of the electricity undertaking :

A.D. 1931.

—
Attachment
of brackets
&c. to
buildings.

Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of the owner and any order of a court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court shall have the same power as under proviso (1) :
- (3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building :
- (4) No brackets wires and attachments shall be attached to any bridge or other work of any railway company without the previous consent in writing of that company.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

A.D. 1931.

Further
powers as
to entry
upon
premises.

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

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway company for the purpose of their railway and forming part of any station or goods depot.

Agreements
for supply
of electricity.

66. Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person (other than authorised distributors) to whom the Corporation are authorised to

supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

A.D. 1931.

67.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement—

Provisions
as to supply
of electricity
by agree-
ment.

- (a) the Corporation may if they think fit discontinue to supply electricity to such consumer;
- (b) the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply or not) be liable to pay to the Corporation at any higher rate which they may for the time being be charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and
- (c) the Corporation in any case in which they discontinue the supply as aforesaid shall not be required to resume the supply until—
 - (i) they are satisfied that any electricity supplied to such consumer will be consumed in accordance with the terms of such agreement; and
 - (ii) the consumer has paid to the Corporation the sum payable by him pursuant to the foregoing paragraph (b):

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

A.D. 1931.

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

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

As to
maximum
power
which may
be de-
manded.

68.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

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

Use for
lighting
purposes
of electricity
supplied
for power.

69.—(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.

A.D. 1931.
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(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 penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may for the time being be 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 as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

(4) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

70. 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 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

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

A.D. 1931. — such period from the date of demand thereof as the Corporation may from time to time determine.

Minimum charges for electricity.

71. The minimum charges per quarter which are specified in the Fourth Schedule to the Order of 1894 shall be paid to the Corporation by the occupier of any premises connected to a distributing main of the Corporation in respect of each quarter of any year during the whole or any part of which quarter such premises are so connected whether energy has actually been consumed on such premises or not during the currency of such quarter.

As to recovery summarily of sums due for fittings.

72. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of electricity any other sum due or payable to the Corporation in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of electricity or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

As to use of transformers.

73. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

Charges for special readings of electricity meters.

74. 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.

Power to recover cost of cutting off supplies.

75. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person

they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation. A.D. 1931.

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

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

77.—(1) The Corporation may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity or cut off and discontinue the supply of electricity to any building or premises in which such byelaws are not complied with. Byelaws as to wires apparatus and fittings

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

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings of any railway company.

A.D. 1931.

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Transfer of
under-
takings to
Corporation.

78.—(1) The Corporation may by agreement (but not otherwise) acquire from any local authority company or person who is or shall be authorised by Provisional Order confirmed by Parliament or by Special Order to supply electricity in an area adjoining the limits within which the Corporation are at the date of the passing of this Act authorised to supply electricity (in this section called “authorised undertakers”) the undertaking authorised by such Order or any part or parts thereof and the powers rights authorities and privileges of the authorised undertakers in relation to the undertaking or part or parts thereof so acquired and the authorised undertakers may with the approval of the Electricity Commissioners by deed to be approved by the commissioners transfer their undertaking or part or parts thereof together with such powers rights authorities and privileges as aforesaid to the Corporation subject to such exceptions and modifications (if any) and upon such terms as may be specified in the deed.

(2) In the event of the Corporation acquiring the undertaking of any authorised undertakers or any part or parts thereof under this section the Corporation shall subject to such exceptions or modifications (if any) as aforesaid be deemed to be the undertakers for all the purposes of the Order in relation to the undertaking or part or parts thereof so acquired.

Compensa-
tion for
deprivation
of employ-
ment.

79. Nothing in the section of this Act of which the marginal note is “Transfer of undertakings to Corporation” shall prejudice or affect any right or interest of any officer or servant of any authorised undertakers under the provisions of section 15 of the Electricity (Supply) Act 1926 and the enactments and schedule therein referred to and the said provisions shall extend and apply to any officer or servant of any authorised undertakers affected by the acquisition of or closing (permanent or temporary) or alteration in the working or use of a generating station or by the acquisition of a main transmission line or any part thereof under or in consequence of any contract or agreement entered into by the Corporation under the provisions of this Act with any local authority company or person and the provisions of the said section 15 and the enactments and schedule therein referred to shall

apply and have effect as if such closing or acquisition were a closing or acquisition under or in consequence of the said Act of 1926 and such alteration were a restriction imposed by or under a scheme under that Act. A.D. 1931.

80. Notices and demand notes orders or other documents in respect of charges leviable by and due to the Corporation for electricity supplied by them may be served in the same manner as notices demand notes orders or other documents under the Rating and Valuation Act 1925 are by section 59 (Service of notices &c.) of that Act authorised to be served. Service of notices &c.

81.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left at or sent by post to the offices of the electricity undertaking. Notice to discontinue supply of electricity.

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

82.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses. Receipts and expenses.

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

PART V.

STREETS BUILDINGS AND DRAINS.

83.—(1) Where plans and sections of a new street have been deposited with and approved by the Corporation no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line and level of so much of the street as No building allowed until street defined.

A.D. 1931.

abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for such person except with such consent to erect the building or any fence nearer to the centre of the street than such line.

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

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

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

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

(3) The said owner may at any time submit to the Corporation for their approval any alteration in the

said plans and particulars and the Corporation may if they think fit approve such alteration. A.D. 1931.

(4) (a) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or of the intimation to him by the Corporation of such refusal appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

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

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

Adjustment
of boun-
daries of
streets.

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

A.D. 1931. The advertisement in the newspaper shall include notice of this proviso.

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

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

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

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

Adjustment
of bound-
aries of
estates.

86.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street within the meaning of the byelaws of the Corporation with respect to new streets or any provisions in a local Act with respect to the width of new streets are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and

the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by arbitration under the Arbitration Act 1889 and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid : A.D. 1931.

Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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

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

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

A.D. 1931. — may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

Further powers as to future line of street.

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

Provided that this section shall not apply in respect of any improvement line prescribed by the Corporation before the thirtieth day of November nineteen hundred and thirty.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

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

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

A.D. 1931.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the court in addition to or instead of imposing a penalty may order the requirement to be carried out and the Corporation may thereupon enter upon the land building or erection affected and carry out the requirement.

88.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

Provisions
as to tents
vans &c.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

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

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

As to
hoardings
and similar
structures.

- (i) Beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or
- (ii) If there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) If there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

A.D. 1931.

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

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

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

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable 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.

(4) The provisions of this section shall not apply to a wall (not being a wall of a dwelling-house) constructed by or belonging to or which may hereafter be constructed by or belong to a railway company in the exercise of their statutory powers so long as such wall is used or held by such railway company primarily for railway purposes.

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

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

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

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

(5) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he gives twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(6) For a period of five years from the passing of this Act the provisions of subsections (2) (3) and (4) of

A.D. 1931. this section shall not apply to any hoarding or similar structure erected or in use at the passing of this Act.

Restriction
on erection
of tempo-
rary stands
&c.

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

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

(3) The provisions of this section shall not apply to any person who is a roundabout proprietor or travelling showman travelling with a travelling show.

Banners and
signs over
streets.

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

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

A.D. 1931.

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

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

93.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a building in any street shall furnish the Corporation with drawings of the elevations of the building and particulars of the materials to be used in those parts of the building which are comprised in the elevations (which drawings and particulars are in this section included in the expression "elevations").

Elevation
of new
buildings
fronting
streets.

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

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

A.D. 1931.

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

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

(a) approve the elevations ; or

(b) if they shall consider that having regard to the general character of the existing buildings in the street or of the buildings proposed therein to be erected the building to which the elevations relate would seriously disfigure the street whether by reason of the height of the building or its design or the materials proposed to be used in its construction give notice to that effect in writing to the person by whom the elevations were deposited and if he shall not within seven days from the receipt of such notice withdraw his drawings and particulars refer the question of the approval of the elevations to the appeal committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building is considered to be objectionable.

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

(6) (a) The person by whom the elevations were deposited shall within fourteen days of his receiving notice of the reference to the appeal committee be

entitled to send to the appeal committee a statement of his answers to the objections of the Corporation and if he does so he shall at the same time send a copy thereof to the town clerk.

(b) (i) The appeal committee shall within one month after the receipt of the reference decide whether having regard to the consideration mentioned in subsection (4) (b) of this section they approve or disapprove the elevations and their decision shall be final and conclusive.

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

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

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

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

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

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

A.D. 1931.

Erection of
buildings
to greater
height than
adjoining
building.

94.—(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 if required by the Corporation and if it is reasonably practicable at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

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

Extension of
section 157
of Public
Health Act
1875.

95.—(1) Section 157. (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to—

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space;
- (iv) the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fire-places shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;
- (v) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting

doors in connection therewith and as to the occupation of buildings when united; A.D. 1931.

- (vi) the testing of drains of new buildings;
- (vii) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost and preventing the improper use of such closets and of the blocking of the pipes therefrom;
- (viii) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;
- (ix) for ensuring that any hole made through the wall of a building below the level of the ground shall be so stopped as to prevent the free passage of gas into the building;
- (x) for securing that any geyser or similar gas-heated water apparatus of the rapid water-heating type or any gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated.

(2) Any byelaws made under paragraphs (ix) and (x) of subsection (1) of this section or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in paragraph (x) of that subsection is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157.

96.—(1) Every building erected after the passing of this Act exceeding two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or boarding-school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided with such portable fire-fighting and portable first-aid appliances as the Corporation may require and shall also be

Means of escape from buildings in case of fire.

A.D. 1931.

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

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

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

(b) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

A.D. 1931.

(4) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court of Durham holden in the borough and thereupon the said county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

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

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

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

(8) 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.

97.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Food
storage
accommoda-
tion.

(2) (a) Every existing dwelling-house and every dwelling-house the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so

A.D. 1931.

provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(d) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this subsection he may apply to the county court of Durham holden in the borough and thereupon the said county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

Prohibition
of tents
vans &c.

98.—(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 approval 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 but no owner or occupier shall be responsible for such user of any land unless he shall have verbally or in writing expressly authorised the same.

(2) Any person aggrieved by the withholding by the Corporation of any approval 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.

A.D. 1931.
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(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 or travelling showman or stallholder in or in connection with any roundabouts or travelling show 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.

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

Combined
drains.

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

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

A.D. 1931.

(4) Any person aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof. On any such appeal the court may make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Houses
connected
with single
private
drain.

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

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

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

Improper
construc-
tion or
repair of
watercloset
or drain.

101.—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

A.D. 1931.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

102.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil-pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier.

As to
defective
drains &c.

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

103. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine :

As to
repair of
drains.

A.D. 1931.

Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if the Corporation think fit.

Wilful
damage to
drains
water-
closets &c.

104. If any person cause any drain watercloset pailcloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

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

Sanitary
conveniences
for workmen
engaged on
buildings.

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

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

For protec-
tion of
railway
companies.

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

- “ Provisions as to tents vans &c.” ;
- “ As to hoardings and similar structures ” ;
- “ Restrictions on advertisement hoardings ” ;
- “ Restriction on erection of temporary stands &c.” ;
- “ Banners and signs over streets ” ;
- “ Means of escape from buildings in case of fire ” ;
- “ Prohibition of tents vans &c.” ;
- “ Sanitary conveniences for workmen engaged on buildings ” ;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company 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.

A.D. 1931.

PART VI.

INFECTIOUS DISEASE AND SANITARY MATTERS.

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

Definition
for purposes
of this Part
of Act.

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

Parents to
notify
infectious
disease.

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

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

A.D. 1931.

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

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

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

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

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

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

Information
to be
furnished in
case of
infectious
disease.

111.—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness

furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease. A.D. 1931.

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

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889 and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

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

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

113.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) within the borough would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice. Disinfection in case of tuberculosis.

A.D. 1931.

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

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

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

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

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the person from whom they were taken free of charge.

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

A.D. 1931.

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

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

115.—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the occupier of such room or his agent his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the public analyst.

As to inspection of premises used for storage of food.

(2) The expression "public analyst" in this section means the analyst appointed by the Corporation in pursuance of section 15 of the Food and Drugs (Adulteration) Act 1928.

A.D. 1931.

Registration
of ice-cream
manufac-
turers and
premises.

116.—(1) (a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and (b) any premises within the borough used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

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

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

(4) This section shall not apply to or affect any premises licensed for stage plays or for music and dancing or for cinematograph entertainments.

Power to
refuse
registration
of or remove
from
register
ice-cream
manufac-
turers and
premises.

117.—(1) The Corporation may if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity in relation to the quality storage or distribution of the ice-cream or other commodity serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register him or remove him from the register as the case may be either absolutely or in respect of any specified premises and if he fails to show cause to their satisfaction accordingly they may refuse to register him or remove him from the register as the case may be.

(2) Any person aggrieved by any such decision of the Corporation as aforesaid may within twenty-one days give notice of appeal to a court of summary jurisdiction and that court may require the Corporation to register such person or not to remove him from the register.

(3) The Corporation or such person as aforesaid may appeal from the decision of the court of summary

jurisdiction to the next practicable court of quarter sessions who may confirm or reverse the order of the court of summary jurisdiction.

A.D. 1931.
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(4) The decision of the Corporation to refuse registration or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is determined and where notice of appeal from a court of summary jurisdiction under this section is given within seven days from the date thereof such decision of the Corporation as aforesaid shall not take effect until the appeal to quarter sessions is finally determined.

(5) Where the appeal is from a refusal to register such person as aforesaid may until the appeal is finally determined carry on business as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity notwithstanding that he is not registered.

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

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

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

(3) Every vendor of or dealer in ice-cream or other similar commodity vending his wares from any cart

A.D. 1931. barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or stand shall have his name and address legibly painted inscribed or displayed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

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

Byelaws as
to transport
of food.

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

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section the Corporation shall give notice to the West Hartlepool Beef and Pork Butchers' Association and (if such byelaws are applicable to the transport by a railway company of any article intended for food) to the railway company of the Corporation's intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the said association and the said company or either of them (as the case may be) shall be entitled to make representations to the Minister with regard thereto.

120.—(1) Any rain-water tank or well which is situate in or under any dwelling-house in the borough shall be provided by the owner thereof with an efficient pump or efficient pumping plant and such tank or well together with any such pump or pumping plant used in connection therewith shall be kept in good order and condition by such owner to the approval of the Corporation.

A.D. 1931.

As to
private
tanks and
wells.

(2) If any person shall fail to comply with the requirements of this section in regard to any such tank well pump or pumping plant for a period of fourteen days after the receipt by him of a notice from the Corporation requiring him so to do the Corporation may themselves carry out any work required in connection with such tank well pump or pumping plant or any of them so as to comply with the provisions of this section and may recover the cost incurred by them in so doing from such owner.

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

As to filthy
premises.

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

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

Regulation
dustbins.

A.D. 1931. — ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

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

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

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

(5) If any such owner or occupier as aforesaid fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section the Corporation may themselves provide the required dustbin and may recover the reasonable cost incurred by them in so doing from the owner or occupier in default and if any such owner or occupier as aforesaid fails to comply with his obligation under subsection (2) of this section he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

(6) Nothing in this section shall apply to any warehouse belonging to a railway company from which the Corporation do not remove refuse.

As to
ashpits.

123. From and after—

- (a) the passing of this Act in the case of any dwelling-house warehouse or shop in respect of which any covered ashtubs or other receptacles for refuse which comply with the requirements of subsection (3) of the last preceding section of this Act have already been provided; and

(b) the date upon which dustbins are provided under the provisions of subsections (1) or (5) of that section in respect of any other dwelling-house warehouse or shop;

A.D. 1931.

it shall not be lawful for the owner or occupier of such dwelling-house warehouse or shop to use any ashpit for the deposit of ashes or other refuse.

124.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

Notice to be given of foregoing provisions.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

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

Discontinuance of offensive trade.

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

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

A.D. 1931.

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

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

Byelaws as
to refuse.

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

Byelaws as
to stables.

127. The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions (a) in or about or arising out of any such stable or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

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

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

A.D. 1931.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(c) Provided also that such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister by the Minister and unless and until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

A.D. 1931.

PART VII.

FINANCIAL PROVISIONS.

Power to
borrow.

129.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereto shall respectively be “the prescribed period”) mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purpose of making any payment to any authority under Part II of this Act or under any enactment the provisions of which are applied thereby (including the payment or purchase in the name of the Corporation of any annuity payable by them under any provision contained in or applicable to the provisions of Part II of this Act which annuity the Corporation are hereby empowered to purchase).	The sum requisite.	Forty-five years from the date or dates of borrowing.
(b) The purpose of making any payment under the provisions of the section of this Act of which the marginal note is “Compensation to existing officers.”	The sum requisite.	Twenty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also borrow with the consent of the Electricity Commissioners such further moneys as may be necessary for any of the purposes of Part IV (Electricity) of this Act and with the consent of the Minister such further moneys as may be necessary for any of the purposes of this Act other than the purposes of the said Part IV thereof.

(b) Any moneys borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or commissioners with whose consent the moneys are borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby. A.D. 1931.

(c) In order to secure the repayment of any moneys borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

130.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either— Sinking fund.

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

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

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

A.D. 1931.

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

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

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

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

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

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

A.D. 1931.

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

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

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

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

131. Any reference in any mortgage or charge granted by the Corporation to the revenue of any undertaking of the Corporation shall be deemed to be a reference to the revenues of the Corporation.

As to mortgage of revenues of Corporation.

A.D. 1931.

Consoli-
dated loans
fund.

132.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order the Corporation may (if they think fit) on and after the thirty-first day of March nineteen hundred and thirty-two establish a fund to be called “the consolidated loans fund” to which shall be paid—

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

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

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

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

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the

sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection. A.D. 1931.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charged and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings.

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

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

A.D. 1931.
—

(7) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

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

Use of
moneys
forming
part of
sinking
and other
funds.

133. Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions :—

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

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

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

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

A.D. 1931.
—

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

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

Evidence of transfer or transmission of securities.

135.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send letters containing orders for the payment of interest or dividend warrants to the address of such person appearing in the register. Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send letters containing the same to such other person at such address.

Dividend warrants by post.

(2) Where more persons than one are registered as joint holders of any authorised security any one of

A.D. 1931. — them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation by any other of them.

(3) The posting by the Corporation of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Extension of section 29 of Act of 1923.

136. Section 29 (Receipt in case of persons not sui juris) of the Act of 1923 shall with the necessary modifications apply to any authorised security as if it were a mortgage.

Interest on securities held jointly.

137. Where any authorised security is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter or power of attorney for receipt of the interest thereon shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by two or more credible witnesses but the Corporation or the treasurer before acting on the letter or power of attorney may if they or he think fit require proof to their or his satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

Interest on mortgages held jointly.

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

Return to Minister with respect to repayment of debt.

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

(2) The return shall show such particulars and shall be made up to such date and in such form as the

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

A.D. 1931.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision of any enactment in force in the borough immediately before the passing of this Act requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

140.—(1) Subject to the provisions of subsection (2) of this section and notwithstanding anything contained in any previous enactment all money received by the Corporation (including the income arising from the investment of any reserve fund) on account of the revenue of any undertaking for the time being of the Corporation from which revenue is derived shall be

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

A.D. 1931. — carried to and shall form part of the revenue for that year of the general rate fund and all payments and expenses made and incurred in respect of any such undertaking in the same year shall be paid out of that fund. Provided that in every year in which the income of the electricity reserve fund is carried to the general rate fund in pursuance of this section such reserve fund shall be increased by a sum equal to the amount of such income if and so far as the amount of the fund for the time being is less than the prescribed maximum.

(2) Nothing contained in this section shall be deemed to authorise the Corporation to apply or dispose of the net surplus remaining in any year and the annual proceeds of the reserve fund (when amounting to the prescribed limit) of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

(3) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings (other than the electricity undertaking) referred to in subsection (1) of this section in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings respectively.

Separate
accounts to
be kept.

141.—(1) As from the first day of April nineteen hundred and thirty-two the Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation referred to in the section of this Act of which the marginal note is "Application of revenue and payment of expenses of undertakings" (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking including the income from any reserve fund authorised in connection with such undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended

in respect of each of the following purposes (that is to say) :— A.D. 1931.

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain.

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

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

142.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of the transport undertaking of the Corporation by setting aside such an amount as they may from time to time think reasonable and investing the same subject to the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds" in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to two-fifths of the aggregate capital expenditure for the time being upon that undertaking.

Reserve fund for transport undertaking.

(2) Any reserve fund which has been formed under the provisions of section 54 (Application of revenue of tramway undertaking) of the Act of 1919 and which

A.D. 1931. — is in existence at the passing of this Act shall be deemed to have been formed under this section and any moneys standing to the credit of any such reserve fund shall be carried to the credit of the reserve fund authorised by this section.

(3) All interest received in any year from the investment of the said reserve fund shall be carried to and form part of the revenue for that year of the general rate fund but the said reserve fund shall in that year be increased by a sum equal to the amount of such interest if and so far as the amount of the said fund for the time being is less than the prescribed maximum.

(4) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the transport undertaking of the Corporation or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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

Subscrip-
tions to local
government
associations
and other
expenses.

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

(a) reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses

of the proceedings of any such conferences or meetings; A.D. 1931.

- (b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

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

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

144. The provisions of section 79 of the Public Health Act 1925 shall apply in relation to any sums set apart as a sinking fund or a redemption fund for the purpose of paying off moneys borrowed by the Corporation in the exercise of any statutory borrowing power as if all such moneys had been borrowed by the Corporation in exercise of their powers under the Public Health Act 1875. Application of section 79 of Public Health Act 1925.

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

- (a) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;
- (b) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Corporation

A.D. 1931.
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and whether drawn or propelled by man or horse or mechanical or other means or power;

- (c) Risk of explosion in respect of boilers;
- (d) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;
- (e) Risks of injuries to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises of or leased to the Corporation;
- (f) Risks of mechanical or electrical breakdown at or in connection with any of the electricity works of the Corporation;
- (g) Risks of loss due to infidelity of officers or servants of the Corporation;
- (h) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

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

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

- (a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or
- (b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

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

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

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Act) be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of one hundred and fifty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the general rate fund and apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient include in the risks provided for under paragraph (d) of subsection (1) of this section risks of accident to any teacher employed in any public elementary school maintained by the Corporation notwithstanding that such school has not been provided by the Corporation as the local education authority.

A.D. 1931.

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

(9) Any fund which has been formed under section 63 (Power to create accident fund) of the Act of 1919 shall be deemed to have been formed under this section.

Scheme for fixing equated period and consolidating loans.

146.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers or the liability for which attaches to them under any enactment shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order

or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) The Corporation may with the sanction of the Minister and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of authorised securities for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister may sanction.

(6) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

147.—(1) The Corporation may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the electricity and transport undertakings of the Corporation) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating such sums out of the general rate fund (other than moneys derived from the above-mentioned undertakings) as the Corporation from time to time deem expedient:

Capital
reserve-
fund.

A.D. 1931.

Provided that—

(a) Any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to section 9 of the Rating and Valuation Act 1925;

(b) That appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of fifty thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall be either invested in statutory securities or used in the manner provided by the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds."

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund.

Renewal
and repairs
fund.

148.—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called "the renewal and repairs fund" any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Corporation (otherwise than for the purposes of the electricity and transport undertakings of the Corporation) in connection with the provision of horses carts mechanically propelled vehicles stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed an amount equal to one third part of the cost referred to in subsection (1) of this section.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance

and renewal of the appliances works and equipment referred to in subsection (1) of this section which are not comprised in the electricity and transport undertakings of the Corporation and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses. A.D. 1931.
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PART VIII.

MISCELLANEOUS PROVISIONS.

149.—(1) From and after the passing of this Act the style and title of the municipal corporation of the borough shall be “the mayor aldermen and burgesses of the county borough of West Hartlepool.” Style of
Corporation.

(2) All charters public and general and local statutes orders confirmed or approved by Parliament byelaws regulations commissions fiats awards judgments and decrees and all bonds conveyances covenants deeds mortgages securities contracts agreements resolutions orders and notices legal and other proceedings and other instruments and documents relating to the Corporation by their original or any other name shall from and after the passing of this Act be read and have effect as if throughout the same respectively wherever the original or other name of the Corporation or a reference to the Corporation by their original or other name occurs the present name of the mayor aldermen and burgesses of the county borough of West Hartlepool were substituted.

150.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the borough and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from the general rate they may subject to any condition or restriction attaching to such power expend money so raised in the execution of such works in relation to the subject matter of the gift. Gifts and
bequests.

(2) This section shall not extend to property relating to affairs of the church within the meaning of the

A.D. 1931. Act of 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) Accounts of the income and expenditure of the Corporation under this section shall be kept by the treasurer and shall be made up and audited as part of the general accounts of the Corporation.

Dwelling-houses for persons in Corporation's employment.

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

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

Further powers for acquisition of land.

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

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

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale

or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

A.D. 1931.

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

(b) in such other manner as may be approved by the Minister.

153. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of any buildings or enclosures in any of their parks recreation grounds or lands and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms reading rooms and conveniences in connection therewith as they may deem fit.

Power to charge for admission.

154.—(1) A noise nuisance shall be liable to be dealt with in accordance with the provisions relating to nuisances of the Public Health Act 1875 Provided that no complaint shall be made to a justice under section 105 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

Noise nuisance.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

A.D. 1931.

(3) Nothing contained in this section shall apply to a railway company or their servants exercising statutory powers.

As to
operation
of section 11
of Rating
and Valua-
tion Act
1925.

155. The Corporation may at any time by resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section.

Recovery
of rate from
persons
removing.

156. If a justice is satisfied on complaint by any rate collector that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Application
of provi-
sions of Act
of 1919.

157. The following sections of the Act of 1919 shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those sections had been re-enacted in this Act (namely) :—

- Section 12 (Persons under disability may grant easements &c.);
- Section 13 (Retention and disposal of lands);
- Section 14 (Proceeds of sale of surplus lands);
- Section 48 (Mode of raising money);
- Section 49 (Provisions of Public Health Act 1875 as to mortgages to apply);
- Section 50 (Mode of payment off of money borrowed);
- Section 52 (Appointment of receiver);
- Section 53 (Application of money borrowed);

- Section 61 (Expenses of execution of Act); A.D. 1931.
Section 66 (Audit of accounts);
Section 68 (Recovery of penalties &c.);
Section 69 (Recovery of demands in county court);
Section 70 (Informations by whom to be laid);
Section 71 (Powers of Act cumulative);
Section 73 (Judges not disqualified); and
Section 74 (Crown rights):

Provided that in the exercise of the powers of the said section 13 as so extended and applied the Corporation shall not without the consent of the Minister sell lease or otherwise dispose of any lands or interests therein at a price or rent or for a consideration or value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

158. Notwithstanding anything contained in this Act the following provisions for the protection of the Hartlepool Gas and Water Company (in this section called "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

For protec-
tion of
Hartlepool
Gas and
Water
Company.

(1) In this section "apparatus" means and includes all or any mains pipes or other apparatus belonging to the company:

(2) (a) The Corporation shall not without the consent of the company exercise the powers of the section of this Act of which the marginal note is "Power to construct electrical substations under streets" so as injuriously to affect or interfere with any apparatus which may have been laid down or the maintenance of any apparatus or the laying down of any apparatus but such consent shall not be unreasonably withheld:

(b) If any difference shall arise under this subsection between the Corporation and the company the matter in difference shall be referred to and settled by an arbitrator to be

A.D. 1931.

appointed on the application of either party (after notice thereof to the other) either by the parties on agreement or failing agreement within one month by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such settlement by arbitration :

- (3) In any case where the adjustment of the boundary of any street under the powers of the section of this Act of which the marginal note is " Adjustment of boundaries of streets " would affect any apparatus of the company the Corporation shall in addition to the notice required by subsection (2) of that section give notice in writing of their proposals to the company and notwithstanding any agreement entered into under that section the company shall continue to have the same powers and rights in respect of any such apparatus belonging to or used by them which remains in under or upon the land so conveyed by the Corporation as if the same had continued to be part of the street :

Provided that—

(a) the Corporation may by such last-mentioned notice require the company to alter and the company when so required shall alter; or

(b) the company may if they notify the Corporation within the period of one month after the receipt by them of such last-mentioned notice of their intention so to do alter

the position of any such apparatus so that the same shall be situate in the street as altered under the provisions of the said section and any expense reasonably incurred by the company in effecting any such alterations as aforesaid shall be repaid to them by the Corporation :

- (4) The provisions of the sections of this Act of which the marginal notes are respectively

“ Elevation of new buildings fronting streets ” and “ Erection of buildings to greater height than adjoining building ” shall not extend or apply to any building (not being a dwelling-house) work or chimney constructed by or belonging to the company in the exercise of their powers under any Act of Parliament or to any lands held or acquired or which may hereafter be held or acquired by the company with the authority of Parliament or the Minister or the Board of Trade so long as such building work chimney or land is used or held by the company primarily for the purposes of their undertaking :

A.D. 1931.

- (5) Any building (not being a dwelling-house) work or chimney constructed by or belonging to the company in the exercise of their powers under any Act of Parliament shall be exempt from the operation of any byelaws made by the Corporation under the powers of paragraphs (ix) and (x) of subsection (1) of the section of this Act of which the marginal note is “ Extension of section 157 of Public Health Act 1875 ” and before any byelaws are made under the said paragraph (x) the Corporation shall furnish a copy thereof to the company.

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

Several sums in one summons.

160. Notwithstanding anything contained in the Second Schedule to the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage and shall be deemed to be duly sent transmitted or served if sent by post as aforesaid addressed to such member at his last or usual place of abode.

Service of summons on members of council.

A.D. 1931.

Expenses
may be
declared
private
improve-
ment
expenses.

161. 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.

In executing
works for
owner
Corporation
liable for
negligence
only.

162. Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the sanitary inspector 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.

Power to
enter
premises.

163. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part V (Streets buildings and drains) and Part VI (Infectious disease and sanitary matters) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on
occupier
refusing
execution
of Act.

164. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part V (Streets buildings and drains) or Part VI (Infectious disease and sanitary matters) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the

occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the work 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 work.

A.D. 1931.

165. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act other than byelaws made under the section of this Act of which the marginal note is "Byelaws as to wires apparatus and fittings."

General provisions as to byelaws.

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

Breach of conditions of consent of Corporation.

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

Consents of Corporation to be in writing.

168. Where under the provisions of this Act or any local Act for the time being in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from

Apportionment of expenses in case of joint owners.

A.D. 1931.

the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Damages
and charges
to be
settled by
court.

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

As to
appeals.

170. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part V (Streets buildings and drains) and Part VI (Infectious disease and sanitary matters) of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Compensa-
tion how to
be deter-
mined.

171. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Application
of section
265 of
Public
Health Act
1875.

172. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local Act for the time being in force in the borough as if the same were re-enacted therein.

Repeal.

173. The following enactments are hereby repealed :—

The Act of 1919—

Section 23 (2) (Power to provide and run omnibuses);

Section 30 (Lost property);

Section 51 (Sinking fund);

Section 54 (1) (2) and (3) (Application of revenue of tramway undertaking); A.D. 1931.

Section 56 (Power to use sinking fund instead of borrowing);

Section 63 (Power to create accident fund);

Section 64 (Scheme for fixing equated periods and consolidating loans).

The Act of 1923—

So much of section 30 (Application of provisions of Act of 1919) as extends and applies section 51 of the Act of 1919 to the exercise of the powers of the Act of 1923.

174. The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing 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 and general rate or out of money to be borrowed under this Act for that purpose. Costs of Act.

A.D. 1931.

The SCHEDULE referred to in the
foregoing Act.

PART I.

LOCAL ACTS.

Session and chapter.	Short title.
33 & 34 Vict. c. cxiii.	The West Hartlepool Extension and Improvement Act 1870.
9 & 10 Geo. 5. c. lvii.	The West Hartlepool Corporation Act 1919.
13 & 14 Geo. 5. c. xcv.	The West Hartlepool Corporation Act 1923.

PART II.

CONFIRMATION ACTS AND ORDERS.

Session and chapter.	Short title.	Order thereby confirmed.
41 & 42 Vict. c. clxii.	Local Government Board's Provisional Orders Confirmation (Bournemouth &c.) Act 1878.	Order relating to West Hartlepool dated 7th May 1878.
42 Vict. c. xliii	Local Government Board's Provisional Orders Confirmation (Ashton-under-Lyne &c.) Act 1879.	Order relating to West Hartlepool dated 24th March 1879.
43 & 44 Vict. c. xxxvi.	Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1880.	Order relating to West Hartlepool dated 29th April 1880.
46 & 47 Vict. c. ccxxiv.	Local Government Board's Provisional Order Confirmation (No. 2) Act 1883.	Order relating to West Hartlepool dated 3rd March 1883.
57 & 58 Vict. c. xlix.	Electric Lighting Orders Confirmation (No. 1) Act 1894.	West Hartlepool Electric Lighting Order 1894.
60 & 61 Vict. c. cxxxviii.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1897.	Borough of West Hartlepool (Extension) Order 1897.
2 Edw. 7. c. ccx	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1902.	Borough of West Hartlepool Order 1902.

A.D. 1931.

Session and chapter.	Short title.	Order thereby confirmed.
2 & 3 Geo. 5. c. cxliv.	Tramways Orders Confirmation Act 1912.	West Hartlepool Corporation Tramways Order 1912.
13 & 14 Geo. 5. c. xxxv.	Ministry of Health Provisional Orders Confirmation (No. 2) Act 1923.	West Hartlepool Order 1923.
15 & 16 Geo. 5. c. lxxxv.	Ministry of Health Provisional Orders Confirmation (No. 9) Act 1925.	West Hartlepool Order 1925.
15 & 16 Geo. 5. c. lxxxvii.	West Hartlepool Corporation (Trolley Vehicles) Order Confirmation Act 1925.	West Hartlepool Corporation (Trolley Vehicles) Order 1925.
18 & 19 Geo. 5. c. xxii.	West Hartlepool (Trolley Vehicles) Order Confirmation Act 1928.	West Hartlepool Corporation (Trolley Vehicles) Order 1928.
—	—	West Hartlepool Electricity (Extension) Order 1921.

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