

[26 GEO. 5. &
1 EDW. 8.]

*Thornton Cleveleys
Improvement Act, 1936.*

[Ch. cx.]



CHAPTER cx.

An Act to provide that separate sewers for sewage and surface water shall be required in the Thornton Cleveleys Urban District to extend the time for the construction by the Thornton Cleveleys Urban District Council of part of the promenade authorised by the Thornton Urban District Council Act 1923 to extend the limits of the Council for the supply of gas to make further provision with regard to the improvement of the seashore in the district and with regard to the health improvement and good government of the district and for other purposes.

A.D. 1936.

[31st July 1936.]

WHEREAS the urban district of Thornton Cleveleys (in this Act called "the district") is under the local government of the Thornton Cleveleys Urban District Council (in this Act called "the Council"):

And whereas for the purpose of facilitating the disposal of surface water and sewage it is expedient to make the provision contained in this Act:

And whereas the Council were authorised by the Thornton Urban District Council Act 1923 to construct a promenade seawall and embankment of which the greater part has been constructed and it is expedient to extend the time for the completion of the said promenade seawall and embankment as by this Act provided:

13 & 14
Geo. 5.
c. lxxiv.

[Price 2s. 0d. Net]

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A.D. 1936.

And whereas it is expedient that the further provision be made with regard to the improvement of the seashore in the district and the health good government and improvement of the district in this Act contained:

And whereas the Council supply gas within the district as constituted immediately prior to the first day of April nineteen hundred and thirty-four and by the Lancashire (Central and Western Areas) Review Order 1934 the district was extended and it is expedient to authorise the Council to supply gas within the district as now constituted and it is further expedient that the provisions with regard to the gas undertaking of the Council contained in this Act be enacted:

And whereas the Council supply electricity within part of the district and it is expedient that the further provisions with regard to the electricity undertaking of the Council contained in this Act be enacted:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

23 & 24
Geo. 5. c. 51.

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 Thornton Cleveleys Improvement Act 1936.

Division
of Act into
Parts.

2. This Act is divided into Parts as follows (that is to say):—

Part I.—Preliminary.

Part II.—Sewers.

Part III.—Streets and buildings.

- Part IV.—Promenade lands seashore and parks. A.D. 1936.
Part V.—Moveable dwellings.
Part VI.—Sanitary matters.
Part VII.—Gas.
Part VIII.—Electricity.
Part IX.—Finance.
Part X.—Miscellaneous.

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

- (i) The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement; 8 & 9 Vict. c. 18.
- (ii) The Gasworks Clauses Act 1847 except— 10 & 11 Vict. c. 15.
- (a) sections 30 to 37 (with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit); and
- (b) section 38 (with respect to the yearly receipt and expenditure of the undertakers);
- (iii) The Gasworks Clauses Act 1871 except sections 7 8 and 28 to 35. 34 & 35 Vict. c. 41.

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

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

“The district” means the urban district of Thornton Cleveleys;

“The Council” means the council of the district;

“The clerk” “the surveyor” “the medical officer” and “the sanitary inspector” mean

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—

respectively the clerk the surveyor the medical officer of health and any sanitary inspector of the district;

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

9 & 10
Geo. 5. c. 57.

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

“The gas undertaking” means the gas undertaking of the Council;

“The existing gas limits” means the limits within which the Council are immediately before the passing of this Act authorised to supply gas;

“The added gas limits” means so much of the district as is not immediately before the passing of this Act within the existing gas limits;

“The gas limits” means the limits within which the Council are for the time being authorised to supply gas;

“The Poulton Council” means the Poulton-le-Fylde Urban District Council;

“The Poulton undertaking” means that part of the gas undertaking of the Poulton Council which is situate within the district;

“The electricity undertaking” means the electricity undertaking of the Council;

“The electricity limits” means the limits within which the Council are for the time being authorised to supply electricity;

6 Edw. 7.
c. xvi.
13 & 14
Geo. 5.
c. lxxiv.
38 & 39 Vict.
c. 55.

“The Act of 1906” and “the Act of 1923” mean respectively the Thornton Urban District Gas Act 1906 and the Thornton Urban District Council Act 1923;

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

“The Act of 1933” means the Local Government Act 1933;

“ Daily penalty ” means a penalty for each day on which an offence is continued after conviction; A.D. 1936.
—

“ Statutory borrowing power ” includes a power of borrowing money conferred on the Council by or under any enactment except paragraph (a) of subsection (1) of section 215 (Temporary loans &c.) of the Act of 1933;

“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council; 38 & 39 Vict.
c. 83.

“ Authorised security ” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money;

“ The Minister ” means the Minister of Health.

PART II.

SEWERS.

5.—(1) For the purpose of facilitating the disposal of surface water and sewage the powers of the Council under section 157 of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street within the district to provide separate sewers for the reception of surface water and of sewage respectively. Separate
sewers for
sewage and
surface
water.

(2) The Council may also from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only.

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(3) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface-water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent of the Council.

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

(5) In the case of any house or premises within the district existing at the time of the provision or appropriation of separate sewers as aforesaid the drains of which house or premises would but for the passing of this Act have been sufficient effectually to drain such house or premises the Council shall at their own expense make all necessary alterations which they may require to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and no penalty shall be incurred under this section in the case of such house or premises until the completion of such alterations as aforesaid.

Apportion-
ment to
frontagers
of expenses
of sewer
constructed
under public
highway.

6.—(1) Where the Council resolve to construct a sewer in a street or part of a street within the district repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Council increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act of which the marginal note is "Provisions applicable to the last two preceding sections" the expenses incurred by the Council in constructing the sewer so far as they do not exceed the sum authorised by the last mentioned section shall be apportioned by the Council on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

(2) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the district

but shall become operative as from the date of such publication. Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

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(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Council and the owner of the land.

7.—(1) Where the Council have incurred expenses in constructing after the passing of this Act a length of sewer in or under land within the district and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the next succeeding section the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Council on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

Apportionment to frontagers of expenses of construction of sewer before land became a street.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in on or over which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of the land belonging to such owner having been enhanced by the construction of the length of sewer this section shall not apply to the length of sewer or to such part thereof as was constructed in on or over such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Council and the owner of the land.

8.—(1) The sum apportionable under either of the two last preceding sections of this Act shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

Provisions applicable to the last two preceding sections.

(2) As soon as the apportionment has been made the Council shall serve on the owners of the several premises affected notice in writing of the sums respectively

A.D. 1936. — apporportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apporportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apporportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apporportioned not only to the appellant but also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apporportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of the street of the site of and the land occupied with the new building :

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apporportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last mentioned sewer.

For the purposes of this subsection—

- (a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;
- (b) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building :

Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated.

A.D. 1936.

15 & 16
Geo. 5. c. 22.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

(7) Where such a resolution as is mentioned in the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Council or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

9.—(1) Where under the last preceding section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered summarily as a civil debt by the Council from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein.

Recovery
of recover-
able sums.

A.D. 1936.

The time within which summary proceedings may be taken for the recovery of any such sum shall be reckoned from the date of the service of the demand and in any such proceedings it shall not be open to the defendant to raise any question which could have been raised on an appeal under subsection (3) of the last foregoing section.

(2) The Council may by order declare any sums recoverable under this section to be payable with interest by instalments within a period not exceeding thirty years until the whole amount is paid and any such instalments and interest or any part thereof may be recovered summarily as a civil debt from the owner or occupier for the time being of the premises charged, and if recovered from the occupier may be deducted by him from the rent of those premises :

Provided that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him on account of rent at or has become due from him on account of rent since the date on which he received a demand from the Council together with notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

An order may be made under this subsection at any time with respect to any unpaid balance of the sum recoverable and accrued interest so however that the period of repayment shall not in any case extend beyond thirty years from the service of the first demand for the sum recoverable.

(3) The rate of interest chargeable under subsection (1) or subsection (2) of this section shall be such rate as the Council may determine :

Provided that the Minister may from time to time by order fix a maximum rate of interest for the purposes of this section.

(4) The Council shall for the purposes of enforcing a charge under this section have all the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease of accepting surrenders of leases and of appointing a receiver.

(5) Nothing in this section with respect to the recovery of sums from owners of premises affects the

provisions of the Land Charges Act 1925 as amended by any subsequent enactment with respect to local land charges. A.D. 1936. —

10.—(1) For the purposes of this section the expression “a work” means—

(a) any works to be executed under section 150 of the Public Health Act 1875; or

(b) any sewer which is to be constructed by the Council in a street or part of a street within the district repairable by the inhabitants at large and is the subject of such a further resolution of the Council as is mentioned in the section of this Act whereof the marginal note is “Apportionment to frontagers of expenses of sewer constructed under public highway.”

Apportionment of expenses of private street works or sewerage works where part of frontage premises has been transferred.

(2) When the Council resolve that a work be executed they shall forthwith give written notice of such resolution to the owners of all premises (in this section referred to as “the chargeable premises”) which at the date of the passing of such resolution could lawfully if such work had then already been completed be included among the premises to be charged (in manner provided by the sections of this Act whereof the marginal notes are respectively “Apportionment to frontagers of expenses of sewer constructed under public highway” “Provisions applicable to the last two preceding sections” and “Recovery of recoverable sums” or by sections 150 and 257 of the Public Health Act 1875) with a proportion or sum in respect of the expenses of executing such work.

(3) If at any time between the date of the passing of such resolution and the date at which such work is completed any part of any separate property comprised in the chargeable premises has been conveyed or transferred the whole of such property may notwithstanding such conveyance or transfer be included in any apportionment of the expenses of executing such work and the due proportion or sum chargeable in respect of such expenses against the whole of such property shall in such apportionment be calculated as if such property had remained wholly in

A.D. 1936. — the same ownership as at the date of such resolution but the amount of the proportion or sum so calculated shall be divided between and shall become charged accordingly upon the part of such property which has been conveyed or transferred as aforesaid and the remainder of such property respectively in such shares as the Council may determine to be fair having regard to all the circumstances. Provided that the owner for the time being of any part of such property may within one month after receiving written notice of such determination by the Council by written notice dispute the same and any such dispute shall be determined by arbitration in manner provided by the Public Health Acts.

(4) The provisions of this section shall cease to have effect on the coming into operation of any general Act passed in the present session of Parliament dealing with the subject matters of this section to the extent to which such subject matters are dealt with by such general Act and if such general Act shall come into operation before this Act the provisions of this section shall to the extent aforesaid not come into force.

PART III.

STREETS AND BUILDINGS.

As to new
streets.

11.—(1) Any person who lays out a new street or part of a new street in the district shall if required by the Council so to do construct the carriageway and footway of such new street or part of a new street with a sufficient and solid foundation of suitable material to the approval of the Council and shall lay kerbs to the footways therein of such suitable material and according to such lines and levels as the Council shall approve.

(2) No person except with the consent of the Council shall in any such street commence to erect any building or to excavate for the foundations thereof until such kerbs or so much thereof as the Council may require shall have been so laid.

(3) No person except with the consent of the Council shall cause permit or suffer any building in any such street to be occupied for any purpose until such

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carriageway and footways or so much thereof as the Council may require shall have been so constructed. A.D. 1936.

(4) Where any new street is or is intended to be constructed of a length exceeding one hundred yards the Council shall not be empowered to require such new street to be constructed or kerbs to be laid therein in its entire length by one operation but may require that such street shall be constructed and kerbs laid therein for such length as in the circumstances may reasonably be necessary.

(5) The execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 of the Public Health Act 1875.

(6) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds.

(7) The provisions of this section shall not apply to any new street laid out by a railway company for the purpose of providing access to any station or depot of such company.

12.—(1) Whenever application shall be made to the Council to approve the laying out of or notice shall be given to the Council of intention to lay out a new street the Council may require the applicant or the person giving such notice to furnish them with plans sections and particulars of the proposed development of any neighbouring land belonging to him the development of which is in their opinion likely substantially to affect or be affected by the determination of the site of the proposed street and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans sections and particulars required as aforesaid shall be so furnished.

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

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

A.D. 1936.

(3) If after receiving the plans sections and particulars referred to in subsection (1) of this section the Council shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans sections and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans sections and particulars as approved. 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.

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

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

Adjust-
ment of
boundaries
of streets.

13.—(1) The Council may enter into and carry into effect agreements with any owner of lands adjoining any street within the district 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 Council shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the land in accordance with an agreement entered into in pursuance of this section:

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 district and if during such period of one month any four inhabitant householders of the district by themselves or their agent give notice to the Council of their intention to appeal under the provisions of this section the Council shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this subsection.

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(2) Any four inhabitant householders of the district may appeal to a court of summary jurisdiction against any proposal of the Council for an adjustment of the boundaries of a street under this section within the period mentioned in the proviso to subsection (1) of this section. A.D. 1936.

(3) 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.

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

(5) 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 (as defined by the Telegraph Act 1878) 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 Council or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act. 41 & 42 Vict.
c. 76.

(6) Notwithstanding any agreement entered into under this section the Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines and other apparatus belonging to or used by them which remain over or across the site of any such street as if the same had continued to be part of the street.

(7) Nothing in this section shall apply with respect to any lands for the time being owned by Imperial Chemical Industries Limited or any of their subsidiary or associated companies.

14.—(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 (including in that expression the widening of an existing street or the widening or adaptation of Adjust-
ment of
boundaries
of estates.

A.D. 1936. — a road footpath or way so as to form a new street) within the district are submitted to the Council for approval the Council 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 The provision so to be made and the terms and conditions on which such provision is to be made shall failing agreement between the Council and the respective persons interested in such estate or lands be determined on the application of the Council or any such person by an arbitrator to be appointed by the Minister and the Council may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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

(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 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.

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

(5) Nothing in this section shall apply with respect to any land situated within the district and on the eastern side of the London Midland and Scottish Railway and owned or occupied by Imperial Chemical Industries Limited or any of their subsidiary or associated companies for so long as and to the extent that any such land shall remain in their ownership and shall not be developed or used for dwelling-houses or retail shops.

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

Crossings
for horses
or vehicles
over
footways.

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

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

(2) If the Council require the construction of any such carriage-crossing across the footway or allow the

A.D. 1936. — use of such footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from such owner or occupier.

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

7 Edw. 7.
c. 53.

(4) Notwithstanding the provisions of section 18 (Crossing for cattle &c. over footways) of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as provided in subsection (1) of this section shall apply in writing to the Council for an estimate of the cost thereof and after having obtained such estimate may deposit with the Council the amount thereof. When such deposit shall have been made the Council shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Council by or to such person as the case may require.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any carriage-crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Council under this section.

Power to
provide
tubs for
trees &c.

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

Banners
and signs
over streets.

17.—(1) If any banner streamer sign or lettering shall after the passing of this Act be suspended across the carriageway of any street in the district without

the permission in writing of the Council the occupier of the premises from which such banner streamer sign or lettering is suspended or the person responsible for the suspension of the same shall be liable to a penalty not exceeding twenty shillings and shall forthwith (upon receiving notice in writing from the Council requiring him so to do) remove the banner streamer sign or lettering. A.D. 1936.

(2) The permission of the Council under this section shall not be withheld except on the ground that the banner streamer sign or lettering would be 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 it is suspended and such permission may be given subject to such terms and conditions as the Council may think fit.

(3) 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 the same or any similar banner streamer sign or lettering without the permission in writing of the Council or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Council may themselves remove any such banner streamer sign or lettering and any expense incurred by them in so doing may be recovered by them from such person.

(4) 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-five.

(5) No proceedings for non-compliance with the provisions of this section shall be taken except with the consent of the Council.

18.—(1) It shall be lawful for the Council at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on As to barriers in streets.

A.D. 1936. — emergencies to cause barricades to be erected across any of the streets in the district and to continue the barricades for such time as may be deemed reasonably necessary. Any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

(2) For the purpose of the erection of such barricades the Council may construct or place and maintain in and under the surface of the streets in the district such sockets or slots as may in their opinion be necessary or convenient.

(3) The powers conferred by this section shall not be exercised except after previous consultation with the chief constable of the county palatine of Lancaster.

Fire-plugs.

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

Provisions
as to
forecourts.

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

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

(3) Nothing in this section shall apply to lands comprised in or occupied with a factory or workshop within the meaning of the Factory and Workshop Act 1901.

1 Edw. 7.
c. 22.

Erection of
retaining
walls.

21.—(1) Before any person shall erect on any land within the district a retaining wall of greater height than six feet abutting on or adjacent to or

[26 GEO. 5. &
1 EDW. 8.]

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within twelve feet of any street he shall submit to the Council plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Council.

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

(3) The provisions of this section shall not extend or apply to the erection by a railway company under statutory powers of a retaining wall which is to form part of or is necessary for the maintenance of their railway.

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

Means of
escape from
buildings
in case
of fire.

(2) From and after the first day of January nineteen hundred and thirty-seven in the case of every

A.D. 1936.

existing building in the district exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital nursing home 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 Council 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 the Council 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 appliances and means of escape so required.

(3) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Council under this section he may apply to the county court of Lancashire holden in the district 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.

(4) 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 Council under this section.

(5) 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 Council 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.

(6) 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. A.D. 1936.

(7) 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.

(8) Where an existing building is converted into flats after the passing of this Act it shall be deemed for the purposes of this section to be a building erected after the passing of this Act.

23.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the district shall be extended so as to empower the Council to make byelaws—

Extension of
section 157
of Public
Health
Act 1875.

(a) with respect to the number of dwelling-houses which may be erected in one block or in one continuous row;

(b) with respect to the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;

(c) with respect to the situation construction and height of walls or fences upon or across such open space;

(d) with respect to the materials with which new buildings shall be constructed;

(e) for requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health;

(f) for requiring that every fireplace opening or chimney opening in a new building shall have a sufficient hearth extending throughout the length and depth of such opening;

(g) with respect to the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or re-set 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;

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—

- (h) with respect to 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;
- (i) with respect to the adequate lighting of buildings;
- (j) with respect to the testing of drains of new buildings;
- (k) with respect to 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;
- (l) with respect to the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;
- (m) 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 passage of gas into the building through such hole otherwise than by means of a gas main or pipe;
- (n) for securing that any geyser or similar gas-heated water apparatus of the rapid water-heating type or gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated:

Provided that any byelaws made under paragraphs (e) (g) (h) (i) (m) or (n) of this subsection or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in the said paragraph (n) is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157.

(2) For the purpose of framing any such byelaws in relation to buildings to be constructed wholly or partly with metal framework or of reinforced concrete and with respect to the use and composition of metal

[26 GEO. 5. &
1 EDW. 8.]

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for framework and of reinforced concrete in the construction of buildings the Council may contribute towards the cost of carrying out such investigations and making such tests as may be necessary.

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(3) The said section 157 shall also in its application to the district be read and have effect as if it empowered the Council to require by byelaws the deposit of plans and sections by persons intending to construct any drain in connection with a building.

PART IV.

PROMENADE LANDS SEASHORE AND PARKS.

24.—(1) The period limited by section 22 (Period for completion of works) of the Act of 1923 for the completion of Work No. 1 authorised by that Act is hereby extended until the thirty-first day of July nineteen hundred and fifty-one.

Extension
of time for
completion
of Work
No. 1
authorised
by Act of
1923.

(2) Section 36 (Part of expenditure of promenade works to be provided by improvement rate) of the Act of 1923 shall not apply with respect to any expenditure of the Council of and incident to the construction or completion of Work No. 1 authorised by that Act that may be incurred by the Council after the passing of this Act.

25.—(1) The Council 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 Council 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 district.

Further
powers for
acquisition
of land.

(2) When any lands purchased or acquired or taken on lease by the Council 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 Council and pending such appropriation all expenses incurred by the Council under this section shall be payable out of the general rate fund and the general rate.

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—
Power to
develop
lands &c.

26.—(1) The Council may (with the consent of the Minister) lay out and develop any lands at any time belonging to the Council and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and lay out and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands.

(2) Nothing in this section shall authorise the Council to create or permit any nuisance on any such lands as are referred to therein.

Retention
and
disposal of
lands.

27.—(1) Notwithstanding anything in any other Act or otherwise to the contrary the Council may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands acquired by them under any general or local enactment from time to time in force in the district (other than the Housing Acts 1925 to 1935) or any interest in any such lands and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposal of such lands or interests in lands and may do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposal and on any exchange may give or take any money for equality of exchange.

(2) The Council shall not (unless the Minister otherwise directs) sell lease exchange or otherwise dispose of any lands under the powers of this section except at the best price or on the best terms which can reasonably be obtained but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(3) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation exchange or other disposal of any lands of the Council in any case in which such consent would be required if this section had not been enacted.

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

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28.—(1) The Council 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 powers of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall (subject to the provisions of the section of this Act of which the marginal note is "Consolidated loans fund") apply the same either—

Proceeds
of sale of
lands.

- (a) in or towards the extinguishment of any loan raised by them under the powers aforesaid 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.

(2) Any capital moneys received by the Council on the re-sale or exchange of or by leasing any lands acquired under any public general Act from time to time in force in the district or under any local enactment (other than this Act) shall be applied in the same manner as capital moneys received under such public general Act or local enactment are applicable or in such other manner as may be approved by the Minister.

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Powers as
to seashore
improve-
ments.

29.—(1) Subject to the provisions of the section of this Act of which the marginal note is “Works below high-water mark not to be constructed without consent of Board of Trade” and to the provisions of section 90 (Crown rights) of the Act of 1923 applied by the section of this Act of which the marginal note is “Incorporation of provisions of Act of 1923” the Council are hereby (as far as any statutory authority in this behalf is requisite) authorised to make execute and maintain on so much of the seashore foreshore foreshore of the river Wyre and adjoining land forming part of the district and as may for the time being belong to the Council and upon any promenade in the district and (with the consent of the owner) on any other part of the seashore and foreshore or the foreshore of the river Wyre and adjoining land the following seaside improvements (in this section referred to as “the seaside improvements”):—

(a) conservatories refreshment rooms reading rooms lavatories shelters and other places and conveniences for the use accommodation recreation and amusement of the inhabitants of and visitors to the district and landing stages or other erections suitable for embarking or disembarking passengers on and from small sailing or other boats or vessels used for purposes of pleasure or recreation;

(b) ornamental gardens lakes and pools;

together with all necessary or proper approaches works and conveniences.

(2) The Council may make reasonable charges in respect of the use of the conservatories reading rooms lavatories and other places and conveniences and landing stages or other erections forming part of or provided in connection with the seaside improvements not exceeding—

(a) For admission to and use of any conservatory for each person one shilling;

(b) For admission to and use of any reading room lavatory or other place or convenience or landing stage or other erection for each person twopence;

and when a concert or entertainment takes place in any conservatory shelter reading room or other place the Council may charge for admission to any such building or place such additional sum as they may from time to time think fit. A.D. 1936.

(3) The Council may let all or any of the seaside improvements executed or provided by them under this section on land belonging to them to such person for such term not exceeding five years for such consideration and on such terms and conditions as the Council may think fit and as shall in their opinion be consistent with the objects for which the same are authorised.

(4) The Council may make byelaws—

(a) for the management of all or any of the seaside improvements;

(b) for regulating the use of all or any of the seaside improvements and the conduct of persons resorting thereto.

(5) Nothing in this section shall release the Council or any person deriving title under them from the covenants on the part of Elizabeth Ann Nutter and restrictions contained in a lease dated the sixteenth day of September one thousand nine hundred and twelve and made between the said Elizabeth Ann Nutter of the one part and Michael Barry Kirwan of the other part or from the covenants on the part of the Council and restrictions contained in another lease dated the fourteenth day of November one thousand nine hundred and twelve and made between the said Elizabeth Ann Nutter of the one part and the Council of the other part so far as any of the same covenants and restrictions would be subsisting and capable of being enforced if this section had not been enacted.

(6) Nothing in this section shall release the Council from any covenants restrictions reservations terms or conditions contained in a conveyance dated the twenty-sixth day of January one thousand nine hundred and thirty-two and made between the Rossal Beach Estate Limited of the first part Tom Gallon Lumb and Edwin Kennedy Hilton of the second part and the Council of the third part in so far as any such covenants

A.D. 1936. — restrictions reservations terms or conditions would be binding upon and enforceable against the Council if this section had not been enacted.

Power to provide swimming-baths.

15 & 16
Geo. 5. c. 71.

30. Subject to the provisions of this Act the Council may on any part of the seashore foreshore foreshore of the river Wyre and adjoining land forming part of the district and belonging to them construct and maintain open or covered sea-water swimming and other baths and bathing pools with all necessary conveniences and appliances and the provisions of the Baths and Washhouses Acts 1846 to 1925 and of the Public Health Act 1925 (including the provisions relating to byelaws) so far as applicable to swimming-baths and not inconsistent with the provisions of this Act shall extend and apply to such baths and bathing pools.

Use of swimming-baths for exhibitions and entertainments.

31.—(1) In addition to their powers under the Baths and Washhouses Acts 1846 to 1925 the Council may close to the public and may reserve the exclusive use of any swimming-bath or open bathing-place or bathing pool belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises water polo matches life-saving classes or for aquatic entertainments or aquatic exhibitions or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming-bath or open bathing-place or bathing pool such sums for the exclusive use of such bath place or pool or for admission of persons thereto as they may think fit.

(2) The Council may also let the exclusive use of any such swimming-bath or open bathing-place or bathing pool to any school or club on such conditions as they may think fit Provided that no letting under this subsection shall extend over a consecutive period of more than four hours.

Works below high-water mark not to be constructed without consent of Board of Trade.

32. The Council shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries

under secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

A.D. 1936.
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33. The Council may employ and pay boatmen and other persons for the purpose of protecting persons whilst bathing on or from the seashore and may provide any boats and life-saving appliances for that purpose.

Protection
of bathers.

34. Subject to the provisions of this Act—

(a) The Council may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements in any concert hall public hall assembly room pavilion conservatory winter garden bandstand or other building provided by them or in any baths bathing pools or model yacht ponds belonging to them or in any parks or recreation grounds for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Council may let any such buildings or rooms therein baths bathing pools or model yacht ponds belonging to them or any parks or recreation grounds for the purposes of such concerts entertainments exhibitions swimming contests athletic meetings regattas or amusements or for

Provision
of concerts
entertain-
ments &c.
in public
halls &c.

A.D. 1936.
—

the sale of refreshments for such periods or occasions and upon such terms and conditions as the Council may think fit :

Provided that nothing in this subsection contained shall enable the Council to use any concert hall public hall assembly room pavilion conservatory winter garden or other building provided by them for the purposes of a cinematograph theatre :

Provided also that the concerts entertainments and amusements which the Council may provide under the powers of this section shall include concert and pierrot entertainments and other like entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but the Council shall not themselves provide stage plays performed by persons other than members (resident in or near the district) of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainment as usually given at a music hall ;

- (b) The Council may in any baths bathing pools model yacht ponds parks or recreation grounds provided by them enclose an area for the purpose of any such concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements as aforesaid ;
- (c) The Council may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section ;
- (d) The Council may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions swimming contests athletic meetings regattas or amusements provided or carried on in pursuance of this section.

[26 GEO. 5. &
1 EDW. 8.]

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35. The Council may pay or contribute towards the payment of the cost of providing and maintaining at railway stations and other public places in the district and on passenger boats public service vehicles and omnibuses plying in the district or between the district and other places and in newspapers magazines and other publications published in the county palatine of Lancaster advertisements of any band performances concerts sports or other entertainments exhibitions swimming contests athletic meetings regattas or amusements provided given or carried on in pursuance of the section of this Act of which the marginal note is "Provision of concerts entertainments &c. in public halls &c."

A.D. 1936.

Power to
advertise
concerts
entertain-
ments &c.

36. Any expenses incurred by the Council under the provisions of the sections of this Act of which the respective marginal notes are "Provision of concerts entertainments &c. in public halls &c." and "Power to advertise concerts entertainments &c." may be paid by the Council out of the general rate fund Provided always that the net amount of any payments or expenses made or incurred by the Council under the provisions of those sections after taking into account any moneys received by them under those provisions shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny halfpenny in the pound levied in that year to the general rate.

Limitation
on certain
expendi-
ture.

15 & 16
Geo. 5. c. 90.

37. If any person shall erect provide or place or maintain on the seashore belonging to the Council any booth tent chair shed bathing hut shop stall stand or other erection or obstruction or shall use or carry on the same except in pursuance of the provisions of this or some other Act of Parliament or except with the consent in writing of the Council he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings :

Penalty for
unauthor-
ised erec-
tion of
booths &c.

Provided that nothing in this section shall prevent the bringing by any person on to the seashore of any chair belonging to him for his own personal use or that of his family.

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Prohibition
of touting
hawking
&c. on
esplanade
seashore &c.

38.—(1) No person shall in the district on the seashore belonging to the Council or in or on any esplanade parade promenade or marine drive constructed on or adjacent to the seashore or the river Wyre or the foreshore thereof or in any street within fifty yards from any of such places or in any public walk garden open space or place of recreation—

(a) importune any person by touting for a hotel lodging-house refreshment house shop garden theatre hackney carriage public service or other vehicle or any place of amusement;

(b) without the consent of the Council—

(i) hawk sell or offer for sale any article or commodity or by way of trade or business take any photograph of any person or group of persons;

(ii) let or offer or expose for hire any donkey pony horse or other beast of draught or burden or any bicycle tricycle or other vehicle or any seat chair form stand or platform;

(iii) with a view to gaining or receiving profit or reward sing or play any instrument or conduct or take part in any entertainment exhibition or performance:

Provided that nothing herein contained shall prevent fishermen or boatmen from exercising their respective callings or fishermen from selling fish freshly caught by them in their boats upon the seashore:

Provided further that a pleasure fair held on any open space or place of recreation not belonging to or leased by the Council by travelling showmen travelling roundabout proprietors or travelling stall-holders (not being pedlars or hawkers) shall not be deemed to be an entertainment exhibition or performance for the purposes of subparagraph (iii) of paragraph (b) of this subsection.

(2) The Council may refuse consent under paragraph (b) of subsection (1) of this section or give such consent upon such terms and conditions as they may think fit. Provided that in the case of the sale of newspapers and periodicals such consent shall be given

[26 GEO. 5. &
1 EDW. 8.]

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to such reasonable number of persons and upon such terms and conditions as the Council may think fit. A.D. 1936.

(3) Any person offending against the provisions of this section or contravening the terms or conditions upon which any consent is given thereunder shall be liable for every such offence to a penalty not exceeding twenty shillings.

(4) Section 33 (Prohibiting public speeches &c. on promenade) of the Act of 1923 shall be read and have effect as if the words "or to sing any sacred or secular song" and "without the consent of the Council to play any musical instrument" were omitted therefrom.

(5) Section 34 (Prohibiting sales on promenade) of the Act of 1923 is hereby repealed.

39.—(1) The provisions of section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 shall extend to enable the Council from time to time to utilise as lands which may lawfully be appropriated as a parking place or as parking places for vehicles such part or parts of their parks recreation grounds pleasure grounds or promenades (not being highways) not exceeding in the case of any park recreation ground or pleasure ground one acre as the Minister may sanction and the provisions of the said section relating to the utilisation for parking places of land not forming part of a street shall *mutatis mutandis* apply and have effect for the purposes of this subsection. Power to set apart parts of parks pleasure grounds &c. as parking places for vehicles and stations for public service vehicles.

(2) The provisions of section 90 of the Road Traffic Act 1930 except subsections (1) (7) and (9) thereof shall apply to any parking place provided under this section. 20 & 21 Geo. 5. c. 43.

40. No power conferred upon the Council by the sections of this Act of which the marginal notes are respectively— Saving with regard to trusts.

" Powers as to seashore improvements ";

" Power to provide swimming-baths ";

" Use of swimming-baths for exhibitions and entertainments ";

A.D. 1936.

“ Provision of concerts entertainments &c. in public halls &c.”; and

“ Power to set apart parts of parks pleasure grounds &c. as parking places for vehicles and stations for public service vehicles ”;

shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Council without an order of the High Court or of the Charity Commissioners or the Board of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

PART V.

MOVEABLE DWELLINGS.

Definition of
moveable
dwellings.

41. In this Part of this Act “ moveable dwelling ” means—

(a) any tent;

(b) any structure capable of being moved from place to place; or

(c) any van cart carriage truck tramcar caravan trailer or other vehicle (whether the wheels of any such vehicle have or have not been removed); but does not include—

(i) any tent structure or vehicle temporarily used by a shepherd labourer or other person for farming agricultural or other like purpose;

(ii) any tent structure or vehicle temporarily used for the service of the Council or other public authority; or

(iii) any boat.

Moveable
dwellings
near streets.
51 & 52 Vict.
c. 52.

42. Any moveable dwelling 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 district be deemed to be a house or building within the meaning of those words where they first occur in the said section.

43.—(1) (a) No moveable dwelling used or intended to be used for human habitation (whether temporarily or otherwise) shall be placed or kept on any land situate within the district without the previous approval of the Council.

(b) It shall not be lawful for any person without the previous approval of the Council to let or permit to be used any land for occupation by any moveable dwelling used or intended to be used for human habitation (whether temporarily or otherwise) unless the surface of such land is covered with concrete or other suitable material and unless and until such land is provided with sufficient roads sanitary accommodation drains and sewers and is furnished with a separate supply of water to the satisfaction of the Council.

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

(2) This section shall not apply to any person dwelling in a moveable dwelling who is a travelling roundabout proprietor travelling showman or travelling stall-holder not being a pedlar or hawker.

(3) This section shall not apply to any moveable dwelling placed or kept on any land situate within the district and used for the purpose of habitation for periods amounting in the aggregate in any one year to less than six weeks.

(4) This section shall not apply to any moveable dwelling provided by or belonging to or used by—

(a) any duly constituted religious or charitable society or body to the main objects of which the provision ownership or use of moveable dwellings is merely subsidiary;

(b) any association incorporated by royal charter or any organisation constituted by any such last mentioned association in pursuance of their charter;

so long as the society body association or organisation by or to which such moveable dwelling is provided or belongs or is used shall continue to make reasonable arrangements for the maintenance of good order

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—
Prohibition
of moveable
dwellings
without
Council's
approval.

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amongst the persons using the moveable dwelling and for the proper management and sanitary condition of the ground occupied by the moveable dwelling.

(5) This section shall not apply to any moveable dwelling provided by or belonging to or used by a cadet unit of the British National Cadet Association officially recognised by the Army Council or contingents of the Officers Training Corps or a university air squadron officially recognised by the Air Council.

(6) This section shall not apply to a tent erected within the curtilage of a dwelling-house.

(7) 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.

PART VI.

SANITARY MATTERS.

Prohibiting
sorting
contents of
dustbins
and refuse
tips.

44.—(1) It shall not be lawful for any person (other than a person appointed by the Council for the purpose of emptying dustbins or other receptacles for refuse) to sort over or disturb the contents of any such receptacle when placed in any street or in any forecourt adjoining any street in the district for the purpose of the removal of such contents by the Council.

(2) It shall not be lawful for any person (other than a person employed by the Council in connection with any refuse tip used by the Council for the disposal of refuse) to sort over or disturb the refuse at any such refuse tip.

(3) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

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

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

(2) No person shall within the district 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 district shall be used for the purposes aforesaid unless they be so registered.

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(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) The provisions of this section shall not apply to any premises licensed for the sale of intoxicating liquor and structurally adapted for use and actually used in good faith as a restaurant or to any premises used as a club or hotel or railway refreshment rooms or as a theatre cinematograph theatre music hall or other similar place of entertainment.

46.—(1) The Council 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 Council should not for reasons to be specified in the notice remove him from the register or refuse to register him 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 remove him from the register or refuse to register him as the case may be.

Power to
refuse
registration
of or
remove
from
register
ice-cream
manu-
facturers
and
premises.

(2) The decision of the Council 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 under the section of this Act of which the marginal note is "As to appeals" nor where any such appeal is brought until the appeal is determined and where notice of appeal from a court of summary jurisdiction is given within seven days from the date of the decision

A.D. 1936. of such court the said decision of the Council shall not take effect until the appeal to quarter sessions is finally determined.

(3) 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.

As to filthy premises.

47.—(1) If the owner of any dwelling-house or premises occupied therewith within the district represents to the Council that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Council duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Council or a committee of the Council are satisfied of the truth of the representation of such owner the occupier shall be liable on the complaint of the medical officer or the sanitary inspector 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.

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

Byelaws as to pleasure fairs.

48.—(1) The Council may from time to time make byelaws for the prevention or suppression of nuisance or nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair.

(2) In this section the expression "pleasure fair" means any entertainment which is run for profit and held wholly or mainly in the open air or in tents or other temporary erections and which consists of or includes any or all of the following whether or not in combination with any other forms of entertainment that is to say any travelling circus exhibition of human beings or performing animals merry-go-round roundabout switch-back railway miniature motor cars electric launches coconut shy hoop-la shooting gallery or swings or any thing similar to any of the foregoing:

[26 GEO. 5. &
1 EDW. 8.]

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Provided that the said expression does not include any fair held by statute charter royal licence letters patent or ancient custom.

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—

49.—(1) Public notice of the effect of the 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 district.

Notice to be given of provisions of this Part of Act.

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

PART VII.

GAS.

50.—(1) Within two months after the passing of this Act the Council shall pay to the Poulton Council the sum of one thousand pounds and thereupon by virtue of this Act the Poulton undertaking shall be transferred to and vested in the Council free from all charges debts and liabilities affecting the same and shall be carried on used exercised and enjoyed by the Council as part of the gas undertaking.

Transfer of Poulton undertaking to Council.

(2) The day upon which the said sum shall be paid to the Poulton Council is in this Act called "the day of transfer."

51. No action suit prosecution arbitration or other proceeding whatsoever commenced prior to the day of transfer either by or against the Poulton Council in relation to any property right privilege debt liability or obligation transferred under this Act to the Council shall abate or be discontinued or prejudicially affected by reason of the transfer to the Council of the Poulton undertaking but the same shall continue and take effect either in favour of or against the Council in the same manner in all respects as the same would have continued and taken effect in relation to the Poulton Council if this Act had not been passed and all penalties incurred by reason of any offence against the provisions of any enactments relating to the gas undertaking of the Poulton Council in the added gas limits prior to the day of transfer may be sued for and all offences

Actions &c. not to abate and penalties to be recoverable.

A.D. 1936. — committed against such provisions prior to that day may be prosecuted by the Council in such or the like manner to all intents and purposes as such penalties might have been sued for or such offences prosecuted by the Poulton Council if this Act had not been passed and all money payable under those enactments to the Poulton Council prior to the day of transfer in relation to the Poulton undertaking may be sued for and recovered by the Council in the same manner in all respects as the same might have been sued for and recovered by the Poulton Council if this Act had not been passed.

Contracts
to be
binding on
Council.

52. All agreements contracts deeds and other instruments affecting the Poulton Council in relation to any property right privilege debt liability or obligation transferred under this Act to the Council and respectively in force at the day of transfer shall as from that day be as binding and of as full force and effect against or in favour of the Council and may be continued or enforced as fully and effectually as if instead of the Poulton Council the Council had been a party thereto.

Books &c.
to remain
evidence.

53. All books and documents which if the transfer to the Council of the Poulton undertaking had not been made would have been evidence in respect of any matter for or against the Poulton Council in relation to the Poulton undertaking shall be admitted in evidence in respect of the same or the like matter for or against the Council.

Collection
of out-
standing
debts.

54. All rents rates and charges and other sums and debts at the day of transfer due and payable or accruing due and payable to the Poulton Council in relation to the Poulton undertaking shall be payable to and may be collected recovered and enforced by the Council in the same manner and with and by the same benefits and processes as those with and by which the Poulton Council might have enforced the same and shall be duly apportioned up to the date of completion.

Extension
of gas limits.

55.—(1) On and from the day of transfer the gas limits shall extend to and include the added gas limits in addition to the existing gas limits.

(2) Subject to the provisions of this Act the Council within the added gas limits shall have and may exercise

all and the like powers rights privileges and authorities for and in relation to the supply of gas and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing gas limits.

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(3) The Council may continue maintain and use any gas mains pipes and other works comprised in the Poulton undertaking and transferred to them under this Act as if they had been laid down or constructed under this Act and the provisions of this Act shall apply to the said mains pipes and works in all respects as if they had been laid down or constructed under this Act.

(4) On and from the day of transfer the added gas limits shall cease to form part of the limits for the supply of gas by the Poulton Council and the powers and duties of the Poulton Council with reference to the supply of gas in the added gas limits shall cease and determine.

56.—(1) The Council's inspectors or servants shall at all reasonable times have access to and be at liberty to inspect take off remove test repair and replace meters which are the property of the Council and meanwhile to fix a substituted meter on the premises such inspection taking off removal testing repairing and replacing to be done at the expense of the Council.

Inspection
and testing
of meters.

(2) The expense of changing and testing such a meter which at the request of a consumer has been tested in manner provided by regulations made by the Board of Trade under the Gas Regulation Act 1920 and found to register erroneously to a degree exceeding the degree permissible under the said regulations shall be borne by the Council but if the meter has been found not so to register erroneously shall be borne by the consumer.

10 & 11
Geo. 5. c. 28.

57. When at the request of and for the convenience of any consumer the reading of any gas meter in any premises takes place at a time other than that of the usual periodical reading the Council may levy and recover such charges as they think fit not exceeding one shilling for each such special reading.

Charges
for special
reading of
gas meters.

58. For the purposes of section 14 (Power to supply gas fittings &c. for heating motive and other purposes and fittings not to be subject to distress) of the Act

Fittings
subject
to hire
purchase.

A.D. 1936. — of 1906 all gas engines stoves ranges pipes and other apparatus and appliances articles and things therein referred to which are disposed of by the Council on the terms of payment by instalments shall until the whole of the instalments have been paid be deemed to be fittings let on hire by the Council.

As to
recovery
summarily
of sums
due for gas
fittings.

59. If the Council commence proceedings for the summary recovery of a sum due to them for a supply of gas any other sum or sums due or payable to the Council by the same consumer 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 gas 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 together with the sum due for the supply of gas provided the sum so included as aforesaid does not exceed twenty pounds in any one summons.

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

60. The powers of the Council under section 16 of the Gasworks Clauses Act 1847 of stopping supplies of gas and cutting off or disconnecting service pipes or works and under section 23 of the Gasworks Clauses Act 1871 of recovering the expenses incurred in such cutting off or disconnecting shall be exerciseable in any case in which there remains unpaid any part of any charge or sum due to the Council for gas supplied by them or in respect of any gas apparatus or fitting let on hire by the Council or supplied by them on hire-purchase terms and which the Council are under obligation to maintain.

PART VIII.

ELECTRICITY.

Acquisition
of land
for sub-
stations.

61.—(1) The Council by means of an order made by the Council and submitted to the Minister of Transport and confirmed by him may be authorised to purchase land within the electricity limits compulsorily for the purpose of the erection thereon in pursuance of the powers of the Acts and Orders relating to the electricity undertaking of a station for transforming converting or distributing electricity and sections 161

162 174 175 and paragraphs (a) (b) and (c) of section 179 of the Act of 1933 and the Sixth Schedule to that Act shall subject to the provisions of this section apply in relation to the purchase of land under this section with the following adaptations that is to say for references to the local authority purchasing the land there shall be substituted references to the Council for references to the Minister there shall be substituted references to the Minister of Transport and anything which has to be prescribed shall be prescribed by the Minister of Transport in such manner as he may think fit. A.D. 1936.

(2) Nothing in this section or in any order made thereunder shall authorise the compulsory acquisition of any land which at the date of the order forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house or which forms part of any premises occupied as a factory or workshop to which the Factory and Workshop Act 1901 applies or which has been acquired for the purpose of any such factory or workshop or which at the date of the order forms part of any land which is in use as an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same. 10 & 11
Geo. 5. c. 80.

(3) If an order is made under this section for the purchase of land which any person has specific statutory power to acquire compulsorily such person shall be entitled to make objection to the Minister of Transport to the confirmation of such order and any such objection if duly made shall for the purpose of subsection (4) of section 161 of the Act of 1933 as applied by this section be deemed to have been made by a person upon whom notice is required to be served.

62. If the owner or occupier of any premises erected or in process of erection within the electricity limits on land abutting on any street laid out as such but not dedicated to the public use or if so dedicated not repairable by the local authority (including a county council) applies to the Council for a supply of electricity to those premises then— Power to break up private streets.

(a) So much of any Act or Order applying to the Council as requires the consent of the person

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by whom the street is repairable to the breaking up by the Council of the street shall not have effect in relation to the street;

- (b) The Gasworks Clauses Act 1847 in its application to the Council shall have effect in relation to the land comprised in that street as if section 7 thereof had been excepted from incorporation with the enactments applying to the Council; and
- (c) Except in the case of such streets as are referred to in the proviso to this section the authority who would be responsible for the maintenance and repair of the street if it were repairable by the inhabitants at large shall have the like rights under section 15 of the schedule to the Electric Lighting (Clauses) Act 1899 as are thereby conferred on the person by whom the street is repairable :

62 & 63 Vict.
c. 19.

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

Further
powers as
to entry
upon
premises.45 & 46 Vict.
c. 56.

63.—(1) The powers conferred on the Council by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows :—

- (a) The premises which may be entered shall include all premises in the electricity limits in which electric fittings are being or have been installed with a view to taking a supply of electricity from the Council;
- (b) The purposes for which premises may be entered shall include the following purposes that is to say the inspection of all meters and electric fittings on the premises whether belonging to the Council or not the ascertainment of whether or not there is or has been any contravention of any of the Acts or Orders applying to the Council or of any regulation or byelaw made thereunder and

(where the Council are authorised under the provisions of any such Act Order regulation or byelaw to cut off the supply of electricity to the premises) the cutting off of such supply. A.D. 1936.

The Council shall not have any power of entry into any such premises except by an officer duly authorised by the Council who shall if so required produce his authority.

(2) Any person who shall refuse to admit any such officer to any premises which the Council are entitled to enter in pursuance of the said section 24 as amended by this section or shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section as so amended shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) For the purposes of this section "electric fittings" include electric lines meters accumulators fittings works and apparatus for the supply of electricity.

(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 a railway company for the purposes of their railway and forming part of any station or goods depot.

64.—(1) For the purpose of supplying electricity to any premises to which the Council are for the time being authorised to supply electricity the Council may lay down place maintain and use electric lines in order to connect such premises to a service line already laid by the Council for the purpose of affording a supply of electricity to adjoining premises and for that purpose may cut or otherwise interfere with any party wall or fence to such premises and adjoining premises.

Power to lay down connecting lines in certain cases.

(2) In relation to any such electric lines as aforesaid the Council shall have the powers and be subject to the provisions of sections 17 18 19 20 and 77 of the schedule to the Electric Lighting (Clauses) Act 1899 and those provisions so far as applicable shall be incorporated with this Act and the Council shall be deemed to be the undertakers.

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(3) The provisions of section 14 of the said schedule so far as they relate to the Postmaster-General shall extend and apply to the laying down or construction by the Council of any electric line under the provisions of this section.

(4) In this section the expression "electric line" shall have the same meaning as in the Electric Lighting Act 1882.

Byelaws as
to wires
apparatus
and fittings.

65.—(1) The Council 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 Council 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.

(2) The provisions of this section shall not apply to any place or premises occupied as a factory or workshop nor to any place or premises to which the Factory and Workshop Act 1901 applies and shall not in any way affect the operation of that Act.

(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.

Use of
electricity
supplied
for one
purpose
for another
purpose.

66.—(1) In this section—

"specifically supplied" means supplied by the Council through a meter fixed for the purpose of ascertaining the cost of the supply to a consumer of electricity agreed to be supplied to him for a particular purpose only;

"higher rated purpose" means any purpose for the supply of electricity for which the Council are for the time being charging at a rate or upon terms higher than the rate

or terms at or upon which the Council are for the time being charging for the supply of electricity for any purpose for which electricity is being specifically supplied to a consumer; A.D. 1936.

“last quarterly reading” means the quarterly reading of a consumer’s meter or meters that shall take place next before the date when the Council shall sue for any penalty under this section.

(2) Any consumer who without the consent in writing of the Council shall use or suffer to be used (whether after transformation or conversion or not) for a higher rated purpose any electricity specifically supplied to him 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 Council compensation calculated in accordance with this section.

(3) For the purpose of calculating the compensation to be paid to the Council under this section there shall be ascertained—

(a) the sum which the consumer would have been liable to pay to the Council for electricity supplied to him during the year expiring on the date of the last quarterly reading if all such electricity had been supplied to him for the higher rated purpose for which any electricity specifically supplied to him shall have been used in contravention of the provisions of this section; and

(b) the sum which the consumer would have been liable to pay to the Council for all electricity supplied to him during the like period if the electricity specifically supplied to him during that period had been used for the purpose for which it was specifically supplied;

and the amount of the compensation to be paid to the Council under this section shall be the difference between the two sums ascertained as aforesaid.

(4) If in any proceedings for the recovery of compensation under this section the defendant shall

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prove that he has used electricity or suffered electricity to be used in contravention of the provisions of this section for a less period than a year the court may reduce proportionately the amount of the compensation calculated in accordance with the provisions of subsection (3) of this section.

9 Edw. 7.
c. 34.

(5) 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 Council have reasonable grounds for believing to be using or suffering to be used for a higher rated purpose electricity specifically supplied to him.

Charges
for special
readings of
electricity
meters.

67. When at the request of and for the convenience of any consumer the reading of any electricity meter in any premises takes place at a time other than that of the usual periodical reading the Council may levy and recover such charges as they think fit not exceeding two shillings for each such special reading.

As to
recovery
summarily
of sums
due for
electric
fittings.

68. If the Council commence proceedings for the summary recovery of a sum due for the supply of electricity any other sum due or payable to the Council 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.

PART IX.

FINANCE.

Power to
borrow.

69.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such

[26 GEO. 5. &
1 EDW. 8.]

*Thornton Cleveleys
Improvement Act, 1936.*

[Ch. cx.]

periods as the Council may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

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(1)	(2)	(3)
Purpose.	Amount.	Period for repayment.
(a) The purchase of the Poulton undertaking authorised by this Act.	£1,000	Thirty years from the date or dates of borrowing.
(b) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

70. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Council for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Council shall make such adjustments of any existing sinking funds as may be proper.

Application of Act of 1933 to existing sinking funds.

71. Notwithstanding anything in this or any other Act or Order the Council 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 accident insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

Use of moneys forming part of sinking and other funds.

(a) The moneys so used shall be repaid out of the general rate or the general rate fund to the

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—

lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable. Provided that the Council 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 general rate or the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

- (b) In the accounts of the general rate fund an amount equal to interest on any moneys so used and for the time being not repaid such interest being calculated at a rate per centum per annum equal as nearly as may be to the rate of interest which would be payable by the Council on a loan raised on mortgage under the statutory borrowing power shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used;
- (c) 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.

Consoli-
dated loans
fund.

72.—(1) Notwithstanding anything contained in this or any other Act or Order on and after the thirty-first day of March nineteen hundred and thirty-seven the Council may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

- (a) all moneys borrowed by the Council by the issue of authorised securities 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 Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Council 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 Council 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 Council—

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

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 shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of

A.D. 1936. that fund and separate account shall be kept of these sums and their application.

(4) The Council 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 Council 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 a rate per centum per annum equal as nearly as may be to the rate of interest which would be payable by the Council on a loan raised on mortgage under the statutory borrowing power.

(5) Save as in this section expressly provided all the obligations of the Council to the holders of authorised securities shall continue in force.

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

(7) The powers conferred by this section shall not be put into operation by the Council 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.

(8) Any scheme approved by the Minister under this section may be altered amended or revoked by a scheme made in like manner as the original scheme.

Dividend
warrants
by post.

73.—(1) The Council may give notice to any person being registered as a holder of any authorised security (other than stock) 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

[26 GEO. 5. &
1 EDW. 8.]

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days from the receipt of such notice give notice to the Council of such objection the Council may from time to time send letters containing orders for the payment of interest or dividend warrants to such person at his address as appearing in the register Provided that if such person give notice to the Council that he desires such orders or warrants to be sent to another person at a given address the Council may from time to time send letters containing the same to such other person at such address.

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(2) Where more persons than one are registered as joint holders of any such authorised security any one of them may for the purpose of this section be regarded as the holder of such security unless contrary notice has been given to the Council by any other of them.

(3) The posting by the Council 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 Council be equivalent to the delivery of the order or warrant to the registered holder of such authorised security.

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

45 & 46 Vict.
c. 61.

74.—(1) The Council may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called "the renewal and repairs fund" (a) any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Council (otherwise than for the purposes of the undertakings of the Council from which revenue is derived) 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 and (b) any sum not exceeding the average annual cost incurred by the Council during the previous three years in connection with the maintenance and repair of buildings other than buildings forming part of the undertakings of the Council from which revenue

Renewal
and repairs
fund.

A.D. 1936. is derived or buildings in respect of which the Council are required by the Housing Acts to keep a housing repairs account.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed three thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works equipment and buildings referred to in subsection (1) of this section which are not comprised in the undertakings of the Council from which revenue is derived 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.

(4) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (3) of this section such moneys shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with 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 and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

Receipts
and
expenses.

75.—(1) Notwithstanding anything contained in any previous enactment all money received by the Council whether on capital or revenue account (including all money received by the Council on account of the revenue of any undertaking of the Council as from time to time existing from which revenue is derived and interest and other annual proceeds from time to time received by the Council on the investments or balances forming part of any reserve or of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent accident insurance superannuation provident consolidated loans or other similar fund) shall be carried to and form part of the general rate

fund and all payments and expenses made and incurred by the Council in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act (including the placing to the credit of the appropriate reserve or fund in the accounts of the Council of an amount equivalent to such interest and other annual proceeds as aforesaid subject to any prescribed limit on the amount of such reserve or fund) and not otherwise provided for shall be paid out of the general rate fund or the general rate.

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(2) Nothing in this section shall authorise the Council to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

76.—(1) The Council 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 Council as from time to time existing from which revenue is derived (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 authorised in connection with the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

Accounts.

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Council 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) any money expended on any of the purposes mentioned in subsection (1) of the next succeeding section of this Act.

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(2) The Council 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 Council 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.

Application
of revenue
of under-
takings.

77.—(1) Notwithstanding anything contained in any previous enactment if in any year the moneys received by the Council on account of the revenue of any undertaking of the Council as from time to time existing from which revenue is derived exceed the moneys expended by the Council in respect of that undertaking in respect of the expenses mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section of this Act the Council may in that year (if they think fit) apply out of the general rate fund a sum equal to the amount of such excess in any of the following ways :—

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) Subject in the case of the electricity undertaking to the consent of the Electricity Commissioners in the construction renewal extension and improvement of the works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve in respect of the undertaking (such reserve to be included within and to form part of the general rate fund) by setting aside such an amount as the Council may from time to time think reasonable and (unless applied in any other manner authorised by this Act) investing the same in statutory securities until the reserve so provided amounts to a sum equivalent to one-tenth of the aggregate capital expenditure for the time being upon the undertaking.

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(2) Any reserve or renewals or contingency or depreciation fund which has been formed for the purposes of any undertaking of the Council from which revenue is derived and which is in existence at the passing of this Act shall be carried to and form part of the general rate fund and shall be deemed to be part of a reserve provided under paragraph (c) of subsection (1) of this section.

(3) The Council shall in every year so long as any reserve provided under this section is less than the maximum prescribed by or under this section carry to the credit of that reserve in the accounts of the general rate fund an amount equal to the interest and other annual proceeds received by the Council in respect of or on investments forming part of the reserve and carried to the general rate fund.

(4) Any reserve provided under this section shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking or (except in the case of the electricity undertaking) for payment of the cost of renewing improving or extending any part of the works forming part thereof or (except in the case of the electricity undertaking) otherwise for the benefit of that undertaking and so that if that reserve 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 a reserve provided under the foregoing provisions of this section although such reserve may not at the time have reached or may have been reduced below the prescribed maximum.

78. Notwithstanding anything contained in any previous enactment the following provisions shall apply with respect to the gas undertaking (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenue of undertakings") (namely) :—

Provision
as to
surplus gas
revenue.

If in any year the accounts of the undertaking kept under the section of this Act of which the marginal note is "Accounts" shall show that the

A.D. 1936.

revenue of the undertaking in respect of that year (including if and so long as any reserve provided in connection with the undertaking amounts to one-tenth of the aggregate capital expenditure for the time being upon the undertaking the interest and other annual proceeds arising from the investment of any part of that reserve) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes in relation to the undertaking which are mentioned in paragraphs (a) to (e) of subsection (1) of the last mentioned section such sum as the Council may think fit (not being less in cases where such excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between such excess and that sum) shall be deemed for the purposes of the said section of this Act of which the marginal note is "Accounts" to be revenue of the undertaking in respect of the next following year and a reduction shall be made in the charges which would otherwise have been made for gas supplied by the Council of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the sum so deemed to be revenue.

Provision as
to surplus
electricity
revenue.
16 & 17
Geo. 5. c. 51.

79.—(1) In lieu of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 as amended by section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenue of undertakings") (namely):—

If in any year the accounts of the undertaking kept under the section of this Act of which the marginal note is "Accounts" shall show that the revenue of the undertaking in respect of that year (including if and so long as any reserve provided in connection with the undertaking amounts to a sum equal to one-tenth part of the aggregate capital expended for the time being upon that undertaking the interest and other annual proceeds arising from the investment of any part of that

reserve) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes in relation to the undertaking which are mentioned in paragraphs (a) to (e) of subsection (1) of the last-mentioned section (the amount of such excess of revenue being in this section referred to as "the excess") then—

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- (a) if any such reserve does not amount to more than one-twentieth of the said aggregate capital a sum equal to the excess shall be deemed for the purposes of the section of this Act of which the marginal note is "Accounts" to be revenue of the undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Council of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the excess;
- (b) if any such reserve amounts to more than one-twentieth of the said aggregate capital such sum as the Council may think fit (not being less in cases where the excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between the excess and that sum) shall be deemed for the purposes of the said section of this Act of which the marginal note is "Accounts" to be revenue of the undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Council of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the sum so deemed to be revenue.

(2) Subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be deemed to have ceased to be incorporated with any of the Acts or Orders relating to the electricity undertaking.

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Date of
operation
of certain
sections
and repeal.

80.—(1) The sections of this Act of which the marginal notes are respectively—

“Renewal and repairs fund”;

“Receipts and expenses”;

“Accounts”;

“Application of revenue of undertakings”;

“Provision as to surplus gas revenue”;

“Provision as to surplus electricity revenue”;

shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-six.

(2) As from the said date the following sections of the Act of 1906 shall be deemed to have been repealed (that is to say):—

Section 48 (Application of revenue of gas undertaking);

Section 49 (As to deficiency in receipts).

PART X.

MISCELLANEOUS.

For protection
of I.C.I.
(Alkali)
Limited
and I.C.I.
(General
Chemicals)
Limited.

81. For the protection of I.C.I. (Alkali) Limited and I.C.I. (General Chemicals) Limited and their successors and assigns or other the owners or lessees for the time being (all of whom are in this section included in the expression “the owners”) of the lands works jetty and sea-water reservoir on the western bank of the river Wyre in the county of Lancaster for the time being and from time to time owned or occupied in connection with the Fleetwood ammonia soda works and the Burn Naze salt works the following provisions shall apply and have effect unless otherwise agreed in writing between the Council and the owners (that is to say):—

(1) In subsections (2) and (3) of this section the said lands works jetty and sea-water reservoir mean the lands works jetty and reservoir of the owners as existing at the passing of this Act:

(2) If during the construction or within twenty years after the completion of the works authorised by the sections of this Act of which the marginal notes are “Powers as to seashore

improvements" and "Power to provide swimming-baths" or any of them (which works are in this section referred to as "the authorised works") the channel of the river Wyre be interfered with to any extent which shall prejudicially affect the passage of vessels to and from the said lands and works and jetty or increase the cost to the owners of maintaining any channel or berth in a condition suitable and safe for the passage and berthing of vessels or interfere with the free passage of water at high tide to the said sea-water reservoir as heretofore enjoyed and the owners shall prove that any such interference is wholly or partly attributable to the construction of any of the authorised works the Council shall at their own expense carry out such works or operations as may be necessary to restore in a condition as convenient in all respects to the owners as that existing prior to the commencement of the construction of the authorised works or any of them the course and depth of the said channel or of any alternative channel and the depth of any berth and also the free passage of water at high tide to the said reservoir Provided that no claim shall be made under this section unless notice in writing thereof shall forthwith have been given by the owners to the Council after the interference in relation to which any claim is made shall have come to the knowledge of the owners In the event of such interference being found to be only partly attributable to the authorised works the owners shall repay to the Council such proportion of the cost of carrying out such works or operations as shall not be attributable to the authorised works :

- (3) In the event of interference during the period aforesaid with the traffic of the owners being found to be wholly or partly attributable to the authorised works the Council shall pay to the owners the additional expense reasonably incurred by them in connection with the provision of substituted transport arrangements for their traffic pending the completion of the

A.D. 1936.

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works or operations in subsection (2) of this section mentioned or such proportion of such additional expense as shall be attributable to the authorised works :

- (4) Any difference which shall arise between the Council and the owners under subsections (1) (2) and (3) of this section shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such determination :
- (5) Nothing in the sections of this Act of which the marginal notes are " Further powers as to entry upon premises " and " Power to enter premises " shall operate to enable any person to enter upon any lands and works of the owners used by them for the purposes of their trade or business without their consent in writing Provided that the owners shall not unreasonably withhold their consent and any question as to whether consent has been unreasonably withheld shall be determined by a court of summary jurisdiction :
- (6) Notwithstanding any provision contained in the section of this Act of which the marginal note is " Power to lay down connecting lines in certain cases " the Council shall not be entitled to lay down place maintain and use electric lines on any lands and works of the owners held by them for the purposes of their trade or business without the consent in writing of the owners Provided that the owners shall not unreasonably withhold their consent and any question as to whether consent has been unreasonably withheld shall be determined by a court of summary jurisdiction :
- (7) The section of this Act of which the marginal note is " As to new streets " shall not apply with respect to the laying out of any new street on land situated within the curtilage of the Fleetwood ammonia soda works :

52 & 53 Vict.
c. 49.
24 & 25
Geo. 5. c. 14.

(8) The Council shall not exercise the powers conferred upon them by the section of this Act of which the marginal note is "As to barriers in streets" so as to interfere with reasonable access to the Fleetwood ammonia soda works : A.D. 1936.

(9) Notwithstanding anything contained in the section of this Act of which the marginal note is "Extension of section 157 of Public Health Act 1875" any buildings owned or occupied by the owners and used by them for the purposes of their trade or business shall be exempted from the operation of any byelaws made by the Council under the provisions of paragraphs (d) (e) (g) (h) (i) and (m) of subsection (1) of that section.

82.—(1) (a) In this section the expression "railway property" means any lands situate within the district and belonging to the London Midland and Scottish Railway Company (in this section referred to as "the company") and used by the company solely as a part of any line of railway siding station or other work of the company. For protection of London Midland and Scottish Railway Company.

(b) No expenses apportioned against railway property in pursuance of the sections of this Act of which the marginal notes are respectively—

"Apportionment to frontagers of expenses of sewer constructed under public highway";

"Apportionment to frontagers of expenses of construction of sewer before land became a street";

shall be recoverable until such railway property—

(i) ceases to be railway property within the meaning of this section; or

(ii) becomes drained to the sewer to which such expenses relate.

(c) If a part only of such railway property ceases to be railway property within the meaning of this section or becomes drained to the sewer to which such expenses relate then only the portion of such expenses attributable to that part shall be recoverable.

A.D. 1936.

(d) Interest shall not be payable to the Council on any moneys in respect of the time during which under this section they are irrecoverable.

(2) Notwithstanding any provision contained in the section of this Act of which the marginal note is "Power to lay down connecting lines in certain cases" the Council shall not be entitled to lay down place maintain and use electric lines upon railway property within the meaning of this section without the consent in writing of the company. Provided that the company shall not unreasonably withhold their consent and any question as to whether consent has been unreasonably withheld shall be determined by a single arbitrator to be appointed on the application of the Council or the company by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such determination.

Subscrip-
tions to
local gov-
ernment
associations
and other
expenses.

83. The Council may pay out of the general rate fund and the general rate—

(a) reasonable subscriptions whether annually or otherwise to the funds of any association of 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 Council at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) the reasonable expenses of the Council 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 district.

Power to
establish
information
bureaux.

84. The Council may establish maintain and carry on an information bureau or information bureaux in the district for the purpose of supplying such information with regard to the district as may be desired by visitors or intending visitors to the district and others

[26 GEO. 5. &
1 EDW. 8.]

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or may subscribe towards the establishment of any such bureau and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose of carrying on any such bureau or bureaux and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof.

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85.—(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 :

Noise
nuisance.

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.

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

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

86. If a justice is satisfied on complaint by any rate collector of the Council that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate or any gas or electricity charge which may be due from him and intends to evade payment of the same by departing from the district 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.

Recovery of
rate from
persons
removing.

A.D. 1936.

As to
byelaws.

87. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be—

- (a) in the case of byelaws made under the section of this Act of which the marginal note is "Byelaws as to pleasure fairs" the Secretary of State;
- (b) in the case of byelaws made under Part VIII (Electricity) the Electricity Commissioners Provided that the Electricity Commissioners may give directions that the notice referred to in subsection (3) of the said section 250 shall be also given in one or more newspapers circulating outside the area to which the byelaws relate; and
- (c) in all other cases the Minister.

Power to
enter
premises.

88. 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 II (Sewers) Part III (Streets and buildings) Part V (Moveable dwellings) and Part VI (Sanitary matters) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on
occupier
refusing
execution
of Act.

89. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Part II (Sewers) Part III (Streets and buildings) Part V (Moveable dwellings) or Part VI (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 Council 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 work the occupier 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. 1936. —

90.—(1) Any person aggrieved by any order judgment determination requirement or prohibition or by the withholding of any certificate licence consent or approval of or by the Council or of or by any officer thereof under the provisions of Parts II (Sewers) III (Streets and buildings) V (Moveable dwellings) and VI (Sanitary matters) of this Act and the section of this Act of which the marginal note is "Prohibition of touting hawking &c. on esplanade seashore &c." may if no other mode of appeal is provided by this Act appeal to a court of summary jurisdiction. As to appeals.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall be twenty-eight days from the date on which notice of the order judgment determination requirement or prohibition or of the withholding of the certificate licence consent or approval was served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying to the person concerned the decision of the Council in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may appeal to such a court.

91.—(1) Where any notice licence or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Authentication and service of notices &c.

(2) Notices demands orders and other documents required or authorised to be served under this Act or

A.D. 1936. — under any local Act Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Expenses may be declared private improvement expenses.

92. The Council may declare any expenses incurred by them after the passing of this Act 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.

Inquiries by Minister and Minister of Transport.

93. The Minister and the Minister of Transport may hold such inquiries as they respectively may consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

Recovery of demands.

94. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in actions founded on contract or tort.

Incorporation of provisions of Act of 1923.

95. The following sections of the Act of 1923 are incorporated with this Act and shall extend and apply to and for the purposes of this Act as if those sections with the necessary modifications were set out in this Act (namely):—

Section 69 (Damages and charges to be settled by justices);

Section 72 (Recovery of penalties &c.);

Section 73 (Penalties to be paid over to treasurer);

[26 GEO. 5. &
1 EDW. 8.]

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- Section 75 (Saving for indictments &c.); A.D. 1936.
Section 76 (Summons or warrant may contain
several sums);
Section 79 (Application of section 265 of Public
Health Act 1875);
Section 80 (Judges not disqualified);
Section 81 (Compensation how to be determined);
Section 82 (Powers of Act cumulative);
Section 90 (Crown rights);
Section 91 (Saving rights of Duchy of Lancaster).

96. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the general rate fund and the general rate or out of moneys to be borrowed under this Act for that purpose. Costs of Act.

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