



## CHAPTER xxviii.

An Act to authorise the corporation of Bangor to suspend or modify the working of the ferry between Bangor Pier and Llandegfan to sell the pier undertaking to make better provision for the health local government and finance of the borough and for other purposes. [2nd June 1938.] A.D. 1938.

**W**HEREAS the borough of Bangor in the county of Caernarvon (in this Act called "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act called "the Corporation"):

And whereas the Corporation by virtue of the Bangor Corporation (Pier &c.) Act 1894 are the owners of an ancient ferry on the Menai Strait (known as "Garth Ferry"):

And whereas in consequence of omnibus competition and for other reasons the user by the members of the public of the said ferry has substantially decreased:

And whereas the Corporation are under obligation to maintain the same and further capital expenditure is required in connection therewith:

And whereas the Corporation have been unable for many years to operate the said ferry otherwise than at a loss:

And whereas it is expedient that the Corporation should be authorised to suspend or modify the working of the said ferry:

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And whereas the Corporation by virtue of the before recited Act of 1894 have constructed a pier and other works and buildings in connection therewith :

And whereas the Corporation by virtue of the Bangor Corporation Pier Order 1897 (in this Act called "the Order of 1897") were authorised to charge a special rate for persons using the pier on certain occasions :

And whereas it is expedient that the Corporation should be authorised to sell the said pier and other works and buildings :

And whereas it is expedient that further powers should be conferred upon the Corporation in regard to the finance of the borough :

And whereas it is expedient to make further provision with reference to the health local government and improvement of the borough :

And whereas it is expedient that the other powers contained in this Act should be conferred :

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

23 & 24  
Geo. 5. c. 51. And whereas in relation to the promotion of the Bill for this Act the requirements of the Local Government Act 1933 have been observed :

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Bangor Corporation Act 1938.

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Ferry and pier.

Part III.—Lands.

[1 & 2 GEO. 6.] *Bangor Corporation Act, 1938.* [Ch. xxviii.]

Part IV.—Buildings and streets. A.D. 1938.

Part V.—Infectious disease and sanitary provisions. PART I.  
—cont.

Part VI.—Finance.

Part VII.—Miscellaneous.

**3.**—(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 Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.  
26 Geo. 5. &  
1 Edw. 8.  
c. 49.

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

“ The borough ” means the borough of Bangor ;

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

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

“ The Act of 1894 ” means the Bangor Corporation (Pier &c.) Act 1894 ;

“ The ferry ” means the ancient ferry on the Menai Strait known as Garth Ferry ;

“ The pier undertaking ” means the pier the construction of which was authorised by the Act of 1894 and all other the works lands buildings and plant and all other the real and personal property assets and effects of whatever nature and all the rights powers authorities and privileges connected with the pier undertaking ;

“ The council ” means the council of the borough ;

“ The town clerk ” “ the medical officer ” “ the surveyor ” and “ the sanitary inspector ” mean respectively the town clerk the medical officer the surveyor and any sanitary inspector of the borough ;

“ The Minister ” means the Minister of Health ;

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PART I.  
—cont.

38 & 39 Vict.  
c. 55.

18 & 19  
Geo. 5. c. 31.

60 & 61 Vict.  
c. cxlviii.

38 & 39 Vict.  
c. 83.

- “ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same ;
- “ Food ” has the meaning assigned to that word by section 34 of the Food and Drugs (Adulteration) Act 1928 ;
- “ Daily penalty ” means a penalty for each day on which an offence is continued by a person after conviction thereof ;
- “ The Order of 1897 ” means the Bangor Corporation Pier Order 1897 which was confirmed by the Pier and Harbour Orders Confirmation (No. 3) Act 1897 ;
- “ Authorised rates ” and “ authorised rate ” mean respectively the rates or rate which the Corporation are for the time being authorised to levy demand and recover in pursuance of the Act of 1894 the Order of 1897 and this Act ;
- “ The Corporation undertakings ” includes any undertaking of the Corporation as from time to time existing from which revenue is derived ;
- “ Authorised security ” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money ;
- “ 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 Corporation ;
- “ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or

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of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed but shall not include power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933; and

“Revenues of the Corporation” includes the general rate fund and all rates exchequer contributions and other revenues whether arising from land or undertakings or any other source receivable by the Corporation otherwise than as trustees.

PART II.

FERRY AND PIER.

4.—(1) Subject to the provisions of this section the Corporation may during the months of November December January and February in any year discontinue or if they think fit reduce the service of the ferry but before interrupting or reducing the service they shall give seven days' previous notice to the public of their intention by placard exhibited conspicuously at each end of the ferry and by advertisement in one newspaper circulating in the district.

(2) The Corporation shall if requested so to do by either the Caernarvonshire County Council or the Anglesey County Council resume the full working of the ferry at any time when the Menai Suspension Bridge shall be closed to traffic or in any emergency requiring the facilities of the ferry for the public and if any dispute difference or question with reference to anything in this subsection shall arise between the Corporation and either of the said councils the same shall be finally decided by the Minister of Transport on the application of any one of the said parties.

A.D. 1938.

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PART I.

—cont.

Working of  
Garth  
Ferry.

[Ch. xxviii.] *Bangor Corporation* [1 & 2 GEO. 6.]  
*Act, 1938.*

A.D. 1938.

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PART II.  
—cont.

Power to  
sell pier  
under-  
taking.

(3) The Corporation shall at all times keep the ferry in readiness and good repair with all boats and equipment and shall have available the necessary staff to work the ferry.

5.—(1) The Corporation may sell the pier undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Corporation in regard thereto by the Act of 1894 and the Order of 1897 which the Corporation have or might exercise and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation.

(2) All moneys obtained by any such sale shall be carried by the Corporation to the sinking fund or funds provided for the repayment of money borrowed by them for the purpose of the pier undertaking or applied in such manner as the Minister may approve towards the discharge of any debt of the Corporation or otherwise for any purpose for which capital money may properly be applied.

(3) From and after the sale of the pier undertaking all moneys borrowed by the Corporation which are charged upon the security of the tolls which the Corporation are entitled to demand in respect of the pier and upon the general rate fund shall be charged on the general rate fund and the general rate.

(4) The sale of the pier undertaking shall not in any way affect the obligations of the Corporation imposed on them in respect of the ferry by the Act of 1894 and this Act.

PART III.

LANDS.

Power to  
develop  
lands &c.

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

(2) The Corporation may use or dispose of the building or other materials of any houses or premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

A.D. 1938.

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PART III.  
—cont.

#### PART IV.

##### BUILDINGS AND STREETS.

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

No building  
allowed  
until street  
defined.

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

8.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected abutting on such new street or part of a new street if required by the Corporation so to do construct the carriageway of such new street or such part of the new street as may be required by the Corporation in accordance with the byelaws for the time being in force with respect to new streets and shall also if required sewer such street or such part of such street :

No buildings  
to be  
erected  
until street  
formed.

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Corporation shall not be empowered to require such new street to be constructed in its entire length by one operation but such new street may be constructed in parts and in such event nothing in this section shall prevent the erection of a new building abutting on any part of such street in reference to which

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A.D. 1938. the foregoing provisions of this section have been  
complied with.

PART IV.  
—cont.

(2) 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 or under the local Acts for the time being in force within the borough.

(3) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

As to  
termination  
of new  
streets.

9.—(1) The Corporation may on the deposit of a plan and sections of a new street in pursuance of any byelaw in force in the borough by order prohibit the erection or retention on land belonging to the owner of the land upon which such new street is proposed to be constructed or laid out of any wall or fence at either end of such new street in order to secure means of communication between such new street and any other street or intended street or for the purpose of securing an adequate opening at either end of the new street:

Provided that such prohibition shall not become operative until the streets on both sides of such wall or fence shall become highways repairable by the inhabitants at large.

(2) If any person acts in contravention of any order made by the Corporation under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Byelaws  
as to  
alteration of  
streets.

10. The Corporation may make byelaws to prevent streets which have been laid out or constructed in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so laid out or constructed they would have contravened the byelaws.

Amendment  
of section 17  
of Public  
Health Acts  
Amendment  
Act 1907.  
7 Edw. 7.  
c. 53.

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



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

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and during such period of one month any four inhabitant householders of the borough by themselves or their agent (or the county council of the administrative county of Caernarvon if the street is a county road whether the Corporation shall have claimed to exercise the functions of maintenance and repair of such street or not) may appeal to the court of summary jurisdiction against the proposals and subsections (2) to (7) of the section of this Act of which the marginal note is "As to appeals" shall apply to any such appeal as if the proposals were a decision of the Corporation.

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

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

A.D. 1938.

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PART IV.  
—cont.

Adjust-  
ment of  
boundaries  
of streets.

41 & 42 Vict.  
c. 76.

A.D. 1938.

PART IV.

—cont.

Crossings  
for horses  
or vehicles  
over  
footways.

13.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large 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 Corporation may either—

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

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

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

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor-cycle subject to any condition other than the strengthening or adaptation of the footway any person who knowingly 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.

(4) Notwithstanding the provisions of section 18 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 a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof. When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so

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deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

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PART IV.

—cont.

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

14.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the borough either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Corporation shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street then when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed :

Restrictions  
on rights of  
breaking up  
streets.

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

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to and settled by a single arbitrator to be agreed on between the parties or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and settlement.

A.D. 1938.

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PART IV.  
—cont.

62 & 63 Vict.  
c. 19.

Streets  
broken up  
to be  
reinstated.

Provision  
as to fore-  
courts.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any street in case of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing extending enlarging or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with gas or water as the case may be. In this section the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

**15.**—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up.

(2) 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 forty shillings.

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

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

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PART IV.  
—cont.

**17.**—(1) On the approval of any plan for a new street or new streets submitted to the Corporation under any byelaw or enactment for the time being in force the Corporation may require provision for such intersecting streets as may be reasonably required.

Provision  
for inter-  
secting  
streets.

(2) The expression “intersecting streets” in subsection (1) of this section means a side or cross street forming a junction with another street.

(3) Any person who fails to comply with any requirement of the Corporation under subsection (1) of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

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

As to  
hoardings  
and similar  
structures.

- (i) beyond any building line described by the Corporation in respect of the land under the provisions of any Act; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 140 of the Housing Act 1936; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

26 Geo. 5. &  
1 Edw. 8.  
c. 51.

51 & 52 Vict.  
c. 52.

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

A.D. 1938.

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PART IV.  
—cont.

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

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

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

(4) The provisions of this section shall not apply to any wall erected on land belonging to a railway company so long as such land is used by the railway company primarily for railway purposes.

Power to  
vary width  
of carriage-  
ways and  
footways.

19. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street not being a classified road repairable by the inhabitants at large :

Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport :

And provided also that the Corporation shall not exercise the powers of this section in respect of any street situate upon a bridge over the railway of the London Midland and Scottish Railway Company or upon the approaches thereto without the previous consent in writing of the said railway company.

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PART IV.  
—cont.

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

Erection of buildings to greater height than adjoining building.

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

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

Improper construction or repair of watercloset or drain.

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

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PART IV.  
—*cont.*

As to  
erection of  
retaining  
walls.

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

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

(3) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter be acquired by a railway company or to any retaining wall erected thereon.

For pro-  
tection of  
Electricity  
Distribution  
of North  
Wales and  
District  
Limited.

**23.** For the protection of the Electricity Distribution of North Wales and District Limited (in this section referred to as "the company") the following provisions shall notwithstanding anything in this Act and unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

45 & 46 Vict.  
c. 56.

(1) In this section "apparatus" includes all or any electric lines (as defined in the Electric Lighting Act 1882) posts poles works and apparatus belonging to the company:

(2) Not less than twenty-eight days before the Corporation in the exercise of the powers of the section of this Act of which the marginal note is "Power to vary width of carriageways and footways" add to the carriageway of a street any portion of any footway or to the footway of a street any portion of any carriageway in on over or under which any apparatus is for the time being situate (each of which works is in this section referred to as a "highway alteration") the Corporation shall give notice in writing to the company and the



company may and if so required by the Corporation shall alter the position of any such apparatus by replacing the apparatus in such situation and at such level as may be reasonable having regard to the highway alteration and the Corporation shall repay to the company the reasonable expenses of and in connection with such alteration of position;

The company shall give to the Corporation not less than twenty-one days' notice of their intention to alter otherwise than by the requirement of the Corporation the position of any apparatus under the provisions of this subsection and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section are not disapproved by the Corporation within fourteen days from the receipt thereof the situation and level of the apparatus shown thereon shall be deemed to be reasonable:

- (3) If any difference shall arise between the Corporation and the company under this section such difference shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed upon the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such reference and determination.

A.D. 1938.

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PART IV.  
—cont.

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

## PART V.

### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

24.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from a notifiable disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the existence of such illness furnish such information within his knowledge as the medical officer may

Informa-  
tion to be  
furnished  
in case of  
notifiable  
disease.

A.D. 1938. reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

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PART V.  
—*cont.*

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

Parents &c.  
to notify  
certain  
diseases.

**25.**—(1) As from the commencement of this section any parent or other person having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any disease to which this section applies in any person residing with him or is himself suffering from such a disease and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

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

(2) The diseases to which this section applies are notifiable diseases as defined by this Act and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

(3) For the purpose of this section the expression “school” shall include a Sunday school.

Entry into  
premises  
in case of  
disease.

**26.**—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a notifiable disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease :

[1 & 2 GEO. 6.] *Bangor Corporation* [Ch. xxviii.]  
*Act, 1938.*

Provided that the medical officer shall not under the powers of this section—

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—cont.

(a) enter any premises except between the hours of seven in the morning and ten in the evening; or

(b) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) Any person who obstructs the medical officer in the exercise of his power under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

27.—(1) As from the commencement of this section no person of or exceeding the age of sixteen years who has the custody charge or care of a child—

Restrictions on attendance at schools and places of assembly.

(a) who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the Caernarvonshire local education authority with the view of preventing the spread of a disease to which this section applies; or

(b) who is suffering from a disease to which this section applies; or

(c) who with the view of preventing the spread of a disease to which this section applies has been prohibited from attending school by the medical officer or school medical officer;

shall permit such child to attend any Sunday school or day school or place of public entertainment or assembly without having procured from the medical officer or school medical officer or the medical practitioner attending the child a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or day school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) The diseases to which this section applies are notifiable diseases as defined by this Act and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

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PART V.  
—cont.

(3) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

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

Power to  
close  
schools and  
exclude  
children  
from  
entertain-  
ments.

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

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

(3) The diseases to which this section applies are notifiable diseases as defined by this Act and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

(4) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

Compensation  
to persons for  
ceasing em-  
ployment to  
prevent  
spread of  
disease.

**29.** If any person at the request of the Corporation or the medical officer stop his employment for the purpose of preventing the spread of a notifiable disease the Corporation may make compensation to him for any loss occasioned by reason of such stoppage.

**30.**—(1) If the medical officer certifies in writing that any person in the borough—

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any

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—cont.

Removal of  
infirm and  
diseased  
persons in  
certain  
cases.

[Ch. xxviii.] *Bangor Corporation* [1 & 2 GEO. 6.]  
*Act, 1938.*

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—cont.

dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be :

19 & 20  
Geo. 5. c. 17.

Provided that where the institution to which the said person is to be removed is a public assistance institution the authority to which the institution belongs may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed between that authority and the Corporation.

(4) An order under this section may be addressed to such officers of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to a court of summary jurisdiction acting for the same place as the court which made the order by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under the provisions of this section for the removal of any person to any hospital or other institution without the consent in writing of the authority or body having the control thereof.

**31.**—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the borough in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

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

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

(4) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

**32.** The Corporation may provide and supply (with or without charge therefor) to any registered medical practitioner antidotes and remedies against any notifiable disease.

**33.**—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport of food by a railway company the Corporation shall give notice to the company of their intention to make such application

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PART V.  
—cont.

Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

Supply of antidotes against notifiable disease.

Byelaws as to food.

A.D. 1938. and such notice shall be accompanied by a copy of the  
— proposed byelaws and such company shall be entitled  
PART V. to make representations to the Minister with regard  
—cont. thereto.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of a byelaw made under this section and any person refusing such entry for inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Registra-  
tion of  
hawkers of  
meat fish  
fruit and  
vegetables  
and  
premises.

34.—(1) As from the commencement of this section the following provisions shall have effect in the borough:—

- (a) any person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables who shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or from any basket pail tray or other receptacle; and
- (b) any premises used or proposed to be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from any such vehicle or receptacle;

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

(2) (a) No person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is so registered as aforesaid.

(b) No premises shall be used as storage accommodation for any meat or meat food product or fish



or fruit or vegetables intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle unless such premises are so registered as aforesaid.

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—cont.

(3) Any person who offends 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) (a) The Corporation may refuse to register any such person or premises as is or are referred to in subsection (1) of this section or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises if they are satisfied (as regards any such person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality storage or distribution of the meat or meat food product or fish or fruit or vegetables as the case may be or (as regards any such premises) that such premises are not suitable to be used for the purposes aforesaid :

Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises Any such notice shall state the effect of paragraphs (b) and (c) of this subsection.

(b) If the Corporation refuse to register or revoke the registration of any such person or premises they shall if required by the person applying for such registration or the person registered or in whose name the premises are registered deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

(c) Any person appealing to a court of summary jurisdiction (under the section of this Act of which the marginal note is "As to appeals") against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

[Ch. xxviii.] *Bangor Corporation* [1 & 2 GEO. 6.]  
*Act, 1938.*

A.D. 1938.

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—cont.

(5) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the borough in respect of which an application has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for meat or meat food product or fish or fruit or vegetables intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle.

(6) The Corporation shall keep a register of the persons and premises registered under the provisions of this section.

(7) In and for the purposes of this section—

“meat” means the flesh of cattle swine sheep or goats including bacon and ham and edible offal and fat which is sold or intended for sale for human consumption;

“meat food product” means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

Registra-  
tion of  
premises  
used in  
connéction  
with sale  
of ice-  
cream or  
preserved  
food.

35. As from the commencement of this section—

(1) No premises shall be used for any of the following purposes (that is to say):—

(a) the sale or the manufacture for purposes of sale of any commodity consisting of ice-cream or any substance similar thereto or the storage of any such commodity intended for sale; or

(b) the preparation or manufacture of sausages or potted pressed pickled or preserved meat fish or other food intended for sale;

unless the premises are registered under this section for that purpose by the Corporation:

(2) If any person uses any premises in contravention of this section he shall be guilty of an offence and liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings for every day on which the offence continues after conviction:

(3) Every application for the registration of premises under this section shall be made by the owner or occupier of the premises or by the person intending to occupy them :

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PART V.  
—cont.

(4) If the Corporation are satisfied that any premises are unsuitable for use for any purpose for which they have been registered under this section or for which application for registration has been made under this section the Corporation may serve upon—

(a) the occupier for the time being of the premises or the person on whose application they were registered; or

(b) the person applying for registration; as the case may be a notice requiring him to appear before them on such day not being earlier than seven days after the date of the notice as may be specified therein in order to show cause why the Corporation should not for the reasons specified in the notice revoke the registration of the premises for the said purpose or refuse the application and if that person fails to show cause to the satisfaction of the Corporation why they should not do so the Corporation may revoke the registration of the premises for that purpose or refuse the application Any such notice shall state the effect of the two next succeeding subsections :

(5) If the Corporation revoke the registration or refuse the application they shall if required by such occupier or person as aforesaid deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such revocation or refusal is based :

(6) Any person appealing (under the section of this Act of which the marginal note is "As to appeals") against any decision of the Corporation under this section shall do so within fourteen days after the date of such decision :

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*Act, 1938.*

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—cont.

(7) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter any premises in the borough to which he has reasonable cause to believe that the provisions of this section apply for the purpose of ascertaining—

(a) whether there is occurring therein any contravention of the said provisions; or

(b) in the case of premises which have been registered by the Corporation under this section for any of the purposes specified in the subsection (1) thereof or in respect of which application for such registration for any of those purposes has been made to them whether the premises are suitable for that purpose or any of the purposes specified in subsection (1) of this section :

Provided that in exercising the powers conferred on them by this section at any premises owned or used by a railway company the Corporation shall conform to such reasonable requirements of the company as are necessary to prevent obstruction to or interference with the working of the traffic of the railway thereat and the railway company shall not be liable for any accident or injury happening to any officer servant or agent of the Corporation upon any lines of rails belonging to the company or upon any land immediately adjoining any such lines of rails :

(8) For the purpose of this section the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof :

(9) In relation to any premises used as a theatre music hall or cinema this section shall have effect as if in paragraph (a) of subsection (1) of this section the words “ the sale or ” and the words “ or the storage of any such commodity intended for sale ” were omitted therefrom :

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

[1 & 2 GEO. 6.] *Bangor Corporation* [Ch. xxviii.]  
*Act, 1938.*

**36.** Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or package whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale for food or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly provided that nothing in this section shall authorise the inspection examination or search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or of any basket sack bag or package in the possession of such company as carriers thereof.

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PART V,  
—cont.

Further powers in relation to unsound food.

53 & 54 Vict.  
c. 59.

**37.—**(1) As from the commencement of this section every dealer in any article intended for food vending his wares from any cart barrow or other vehicle or stall or from a basket pail tray or other receptacle used without a cart barrow or other vehicle or stall shall have his name and address legibly painted inscribed or displayed on such cart barrow or other vehicle or basket pail tray or other receptacle or clearly exhibited on such stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings :

As to sale of food from barrows &c.

Provided that no person shall be liable to a penalty under the provisions of this subsection if the offence is one to which the provisions of section 6 of the Milk and Dairies (Consolidation) Act 1915 or any regulations made under the Public Health (Regulations as to Food) Act 1907 apply.

5 & 6 Geo. 5:  
c. 66.  
7 Edw. 7.  
c. 32.

(2) In this section the expression "stall" includes any structure or erection from which food is offered for sale in a street or other open space.

**38.—**(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough who omits on the occurrence of any notifiable disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the

For regulating manufacture and sale of ice-cream &c.

[Ch. xxviii.] *Bangor Corporation* [1 & 2 GEO. 6.]  
*Act, 1938.*

A.D. 1938. medical officer shall be liable to a penalty not exceeding  
forty shillings.

PART V.  
—cont.

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

15 & 16  
Geo. 5. c. 71.

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

(4) The provisions of this section shall not apply to theatres music halls or cinemas.

As to inspection of premises used for storage of food.

**39.**—(1) On any inspection of any room or yard carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he

intends to submit any sample to analysis or bacteriological examination he shall forthwith notify to the occupier of such room or yard or his agent his intention to have the same analysed by the public analyst or examined by a bacteriologist appointed by the Corporation or employed by them for the purpose and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed or examined to the public analyst or such bacteriologist.

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

(3) If any such officer as aforesaid has reasonable ground for suspecting that any material commodity or article of food for which he takes a sample under the powers of this section is likely to cause the occurrence of food poisoning he may by notice in writing delivered to the occupier of the room or yard in which such material commodity or article is found or his agent require that such material commodity or article or any part thereof shall not during such time not exceeding forty-eight hours as may be appointed by such notice or during any longer time which may with the consent of such occupier or his agent be appointed by a further notice delivered as aforesaid be removed except to any such place as may be specified in the notice.

40.—(1) Section 72 of the Public Health Act 1925 (except paragraphs (d) and (e) of subsection (2) of that section) shall apply so far as applicable to a yard in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factories Act 1937 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

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

1 Edw. 8.  
& 1 Geo. 6.  
c. 67.

[Ch. xxviii.] *Bangor Corporation* [1 & 2 GEO. 6.]  
*Act, 1938.*

A.D. 1938.

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PART V.  
—cont.

(2) The said section shall in its application to the borough be read and have effect as if the following provisions were added after subsection (2) thereof (that is to say):—

“ The occupier of any room to which this section applies and which is used for the preparation of food for sale or (except in a case of food contained in receptacles so closed as to exclude all risk of contamination) for the sale of food shall cause to be provided in connection with the room—

(a) a satisfactory water supply; and

(b) suitable washing sinks with a sufficient supply of hot water together with an adequate supply of soap and towels for the use for toilet purposes of persons employed therein.”

Penalty on  
original  
vendor of  
unsound  
food.

41.—(1) Where it is shown that any article liable to be seized under sections 116 to 119 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the said article he did not know and had no reason to believe that the said article was in such condition.

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



[1 & 2 GEO. 6.] *Bangor Corporation* [Ch. xxviii.]  
*Act, 1938.*

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

A.D. 1938.

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PART V.  
—cont.

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

Medical practitioners to notify cases of food poisoning.

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

43.—(1) As from the commencement of this section where any person being the owner of any bull ox cow heifer calf sheep lamb goat or pig which is emaciated or diseased and unfit for food is about to slaughter the same or about to cause the same to be slaughtered he shall give not less than twelve hours' previous notice to the medical officer or sanitary inspector of such intention and shall on the application of the medical officer or sanitary inspector within six weeks from the date of such slaughter furnish such information within his knowledge as a medical officer or sanitary inspector may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcases or any part thereof.

Notice of slaughter of animal unfit for food.

(2) Any person failing to give such notice or refusing to furnish such information or knowingly furnishing

[Ch. xxviii.] *Bangor Corporation* [1 & 2 GEO. 6.]  
*Act, 1938.*

A.D. 1938. false information shall be liable to a penalty not exceeding ten pounds.

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PART V.  
—cont.

(3) This section shall not apply to the slaughter of any animal to which the Public Health (Meat) Regulations 1924 apply.

1 Edw. 8.  
& 1 Geo. 6.  
c. 70.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 the Agriculture Act 1937 (Part IV) or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

Prohibition  
of blowing  
or inflating  
carcasses.

44. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the borough or to bring into the borough any carcase or part of a carcase so blown or inflated and any person so blowing or inflating any carcase or part of a carcase or bringing into the district or exposing or depositing for sale within the district a carcase or any part thereof so blown or inflated shall be liable to a penalty not exceeding five pounds.

Byelaws as  
to tipping  
refuse.

45.—(1) Section 81 of the Public Health Act 1936 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

(2) The Corporation may by any byelaws made by them in pursuance of this section impose on offenders against the same such penalties as they think fit not exceeding the sum of fifty pounds for each offence and in the case of a continuing offence a further penalty not exceeding ten pounds for each day on which the offence is continued after conviction thereof.

(3) Without prejudice to any other remedy available the Corporation if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Public Health Act 1936 authorised to proceed with respect to a statutory nuisance of the existence of which they are satisfied and sections 93 to 98 inclusive and section 100 of that Act shall apply accordingly.

[1 & 2 GEO. 6.] *Bangor Corporation* [Ch. xxviii.]  
*Act, 1938.*

(4) Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 94 of the Public Health Act 1936 as applied by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a further penalty under the byelaws for the continuance of his offence after conviction and to a penalty under section 95 of the Public Health Act 1936 (as so applied) for failing to comply with an order or contravening an order.

A.D. 1938.

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PART V.  
—cont.

(5) No byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by a railway or canal company for the purpose of constructing widening or maintaining any railway canal dock or wharf works.

46.—(1) It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation in pursuance of a report by the medical officer or the sanitary inspector that any smoke gas or vapour from any chimney flue or pipe of a washhouse or outbuilding forming part of or in proximity to a dwelling-house in the borough is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney flue or pipe within such time as shall be specified in such order to cause the same to be raised or such other means for preventing or mitigating such nuisance to be adopted as may seem fitting to such court and as shall not involve an expenditure exceeding twenty pounds and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to  
order  
alteration of  
chimneys.

(2) The provisions of this section shall not apply to any building (not being a house or building used as offices other than a building so used which forms part of a railway station) constructed by or belonging to or which may hereafter be constructed by or belong to the London Midland and Scottish Railway Company in the exercise of their statutory powers so long as any such building is used or held by such company primarily for railway purposes.

[Ch. xxviii.] *Bangor Corporation Act, 1938.* [1 & 2 GEO. 6.]

A.D. 1938.

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PART V.  
—cont.

Byelaws as  
to stables.

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

Sanitary  
conveni-  
ences for  
workmen  
engaged on  
buildings.

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

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

(3) Nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

Discontin-  
uance of  
offensive  
trade.

49.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 107 of the Public Health Act 1936 and the Corporation by resolution decide that it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the Corporation may serve on the owner or occupier of such premises notice in writing stating the effect of the resolution and requiring him before the expiration of six months from the date of the notice to cease to use such premises for the carrying on of such offensive trade.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty

not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1938.

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PART V.  
—cont.

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

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

#### PART VI.

#### FINANCE.

**50.**—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Corporation may determine not exceeding five years from the passing of this Act. Power to borrow.

(2) The provisions of Part IX of the Local Government Act 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.

**51.**—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds (to be called "Bangor Corporation bonds" and in this Act referred to as "bonds") in accordance with the provisions of this Act. Power to borrow by issue of bonds.

[Ch. xxviii.] *Bangor Corporation* [1 & 2 GEO. 6.]  
*Act, 1938.*

A.D. 1938.

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PART VI.  
—cont.

(2) Where the Corporation raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Local Government Act 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

62 & 63 Vict.  
c. 9.  
7 Edw. 7.  
c. 13.  
54 & 55 Vict.  
c. 39.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Use of  
moneys  
forming  
part of  
sinking and  
other  
funds.  
42 & 43 Vict.  
c. 31.

**52.** Notwithstanding anything contained in this or any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any capital sum accepted by them under section 71 (Extension of section 2 (3) of Public Health (Interments) Act 1879) of this Act and any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation capital reserve contingency or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

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

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

out of the 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 :

A.D. 1938  
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PART VI.  
—cont.

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

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

**53.** Sections 213 and 214 of the Local Government Act 1933 shall (subject to the provisions of any scheme made under section 56 (Consolidated loans fund) of this Act and for the time being in force) apply with respect to any sinking fund formed by the Corporation 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 Corporation shall make such adjustments of any existing sinking funds as may be proper.

Application  
of Local  
Govern-  
ment Act  
1933 to  
existing  
sinking  
funds.

**54.—**(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter period next before the date on which interest on the authorised securities to which such transfer book or register relates is payable.

Closing of  
registers.

(2) The persons who on the date upon which the transfer book or register is closed are entered therein as holders of any securities of the class to which such

A.D. 1938. transfer book or register relates shall be entitled to the interest next payable thereon.

PART VI.

—cont.

Dividend warrants by post.

**55.**—(1) The Corporation 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 days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register. Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send the same by post to such other person at such address.

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

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

45 & 46 Vict.  
c. 61.

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

Consolidated loans fund.

**56.**—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and thirty-nine the Corporation 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 Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;



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PART VI.  
—cont.

- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

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

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

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

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund 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 that fund and separate account shall be kept of the said sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve

[Ch. xxviii.] *Bangor Corporation* [1 & 2 GEO. 6.]  
*Act, 1938.*

A.D. 1938.

PART VI.  
—cont.

renewals and repairs depreciation capital reserve contingency superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

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

(b) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Corporation 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 Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(8) Any scheme approved under this section may be altered amended or annulled by any other scheme approved in like manner as the original scheme.

Scheme for  
equated  
periods.

**57.**—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or

any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Local Government Act 1933 in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

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PART VI.  
—cont.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such a scheme shall be deemed to be within the powers of this Act.

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

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

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

**58.**—(1) Notwithstanding anything contained in this Act or any other Act or Order all moneys received by the Corporation whether on capital or revenue account including (but without prejudice to the generality of this provision)—

Receipts  
and  
expenses.

(a) all moneys received on account of the revenue of any of the Corporation undertakings; and

[Ch. xxviii.] *Bangor Corporation* [1 & 2 GEO. 6.]  
*Act, 1938.*

A.D. 1938.

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PART VI.  
—cont.

(b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve or as a capital reserve renewals repairs depreciation contingency consolidated loans or other similar fund (including any interest payable to any such fund in pursuance of section 56 (Consolidated loans fund) and section 52 (Use of moneys forming part of sinking and other funds) of this Act);

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act whether public or local (including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation may determine to pay or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund:

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

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

Accounts.

**59.**—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and shall keep separate accounts in respect of each of the Corporation undertakings and as to revenue shall show under a separate heading or division on the one side all income in respect of the undertaking (including the interest and other annual proceeds received by the Corporation on the investments representing or forming part of any such fund provided in connection with the undertaking as is referred to in paragraph (b) of subsection (1) of the last preceding section) and on the other side all expenditure in respect of the undertaking such expenditure being

[1 & 2 GEO. 6.] *Bangor Corporation* [Ch. xxviii.]  
*Act, 1938.*

divided so as also to show the amounts representing— A.D. 1938.

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes in pursuance of section 56 (Consolidated loans fund) and section 52 (Use of moneys forming part of sinking and other funds) of this Act;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or used as aforesaid;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) credited to reserves or to a reserve fund provided in respect of the undertaking;
- (f) any money expended or applied for any of the purposes mentioned in section 61 (Application of revenue of undertakings) of this Act.

PART VI.  
 —cont.

(2) The Corporation shall show in their accounts relating to each undertaking 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.

(3) The Corporation shall so far as reasonably practicable apportion between the accounts of separate undertakings or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

**60.** The Corporation shall within three months of the close of their financial year or such longer period as the Minister of Transport may allow send to the Minister of Transport a copy of the annual accounts of the ferry and the pier undertaking.

Annual accounts to be sent to Minister of Transport.

**61.** If in respect of any year the moneys received by the Corporation on account of the revenue of any of the Corporation undertakings (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming

Application of revenue of undertakings.

A.D. 1938.

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PART VI.  
—cont.

part of any such fund as is referred to in paragraph (b) of subsection (1) of section 58 (Receipts and expenses) of this Act provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) and (e) of subsection (1) of section 59 (Accounts) of this Act the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) in the reduction of capital moneys borrowed for the purpose of the undertaking; and
- (b) in the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking.

Reserve  
funds.

**62.**—(1) The Corporation may (if they think fit) provide a reserve fund in respect of any of the Corporation undertakings by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by this Act) investing the same in statutory securities until the fund so provided amounts—

- (a) in the case of the gas or electricity undertaking of the Corporation to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on such undertaking; and
- (b) in the case of any other undertaking to the maximum reserve fund for the time being prescribed by the Corporation.

(2) Any reserve fund which has been provided in respect of any of the Corporation undertakings and which was in existence on the first day of April nineteen hundred and thirty-eight shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

[1 & 2 GEO. 6.] *Bangor Corporation* [Ch. xxviii.]  
*Act, 1938.*

(3) Any reserve fund provided under this section may be applied— A.D. 1938.

(a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or

(b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or

(c) (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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

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

Provided that—

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

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*Act, 1938.*

A.D. 1938.

PART VI.  
—cont.

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

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (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 capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

Surplus  
electricity  
revenue.

16 & 17  
Geo. 5. c. 51.

64.—(1) In lieu of the provisions of section 56 of the Bangor (Corporation) Electric Lighting Order 1897 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 of the Corporation (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 respect of any year the moneys received by the Corporation on account of the revenue of the undertaking (including the interest and annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is “Receipts and expenses” provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of the undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) (e) and (f) of subsection (1)



of the section of this Act of which the marginal note is "Accounts" then—

A.D. 1938.

—  
PART VI.

—cont.

(a) if the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expended for the time being upon the undertaking the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) if the said reserve fund amounts to more than one-twentieth of the said aggregate capital the Corporation shall fix such amount as they may think fit (not being less in any case in which the said 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 that sum and the said excess) and the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

(2) The Corporation shall in every year so long as any reserve fund provided in respect of their electricity undertaking is less than the prescribed maximum transfer to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments forming part of the said reserve fund and carried to the general rate fund.

65.—(1) The Corporation 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 Corporation (otherwise than for the purposes of the Corporation undertakings) in connection with the provision of horses

Renewal  
and repairs  
fund.

A.D. 1938.

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PART VI.  
—cont.

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 Corporation during the previous three years  
in connection with the maintenance and repair of  
buildings (other than buildings forming part of or  
used for the purposes of the Corporation undertakings  
or buildings in respect of which the Corporation 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 one thousand five hundred pounds.

(3) The renewal and repairs fund shall be applicable  
only to meet expenses requisite for the maintenance and  
renewal of the things referred to in subsection (1) of  
this section which are not comprised in the Corporation  
undertakings 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 but this  
section shall not apply to any appliances works equip-  
ment and buildings for the purposes of any of the  
Corporation undertakings or to buildings in respect  
of which the Corporation are required by the Housing  
Acts to keep a housing repairs account.

(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.

[1 & 2 GEO. 6.] *Bangor Corporation* [Ch. xxviii.]  
*Act, 1938.*

**66.**—(1) The sections of this Act of which the marginal notes are—

- “ Receipts and expenses ”;
- “ Accounts ”;
- “ Application of revenue of undertakings ”;
- “ Reserve funds ”; and
- “ Surplus electricity revenue ”;

A.D. 1938.

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 PART VI.  
 —cont.

As to  
 operation  
 of certain  
 provisions  
 of this Part  
 of Act and  
 repeal.

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

(2) The following sections of the under-mentioned Acts shall be deemed to have been repealed on the said date:—

The Bangor Local Board Act 1878—

41 & 42 Vict.  
 c. cxix.

- Section 69 (Separate water and gas account);
- Section 70 (Application of revenue);
- Section 71 (General district rate to be resorted to to make up deficiency in water and gas revenue).

The Act of 1894—

- Section 83 (Application of revenue);
- Section 84 (Providing for any deficiency in revenue from undertakings).

The Bangor Corporation Act 1903—

3 Edw. 7.  
 c. ccxliii.

- Section 27 (Application of moneys received under this Part of Act);
- Section 31 (Application of revenue of weighing-machine undertaking and as to deficiency therein);
- Section 32 (Separate accounts to be kept for weighing-machine undertaking);
- Section 40 (Deficiency in receipts to be made good out of borough fund);
- Section 41 (Corporation to keep separate accounts of Penrhyn Hall).

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PART VII.

MISCELLANEOUS.

Charges  
for and  
letting of  
parks &c.  
for games.

**67.** When any portion of any park or place of public resort or recreation is set apart by the Corporation for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Corporation may permit the exclusive use by any club or other body or persons of any part of any park or place of public resort or recreation set apart as aforesaid and of any pavilions buildings or refreshment or other rooms or conveniences subject to such charges and conditions as the Corporation may think fit :

Provided that nothing in this section shall empower the Corporation to permit at one and the same time the exclusive use of more than 20 per cent. of the total area of any park or place of public resort or recreation for the time being belonging to them or under their control.

Compensa-  
tion for  
injuring  
lamps &c.

**68.** Every person who negligently breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin or life-saving apparatus or any other property of the Corporation shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding ten pounds shall be recoverable summarily as a civil debt.

Ejection of  
steam and  
waste gas to  
annoyance  
of public.

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

(2) Any person who shall cause or permit steam or waste gas or condensing water to be discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

[1 & 2 GEO. 6.] *Bangor Corporation* [Ch. xxviii.]  
*Act, 1938.*

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

A.D. 1938.

—  
PART VII.  
—cont.

Silencers  
for internal  
combustion  
engines.

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

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

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice in writing from the Corporation to the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

**71.**—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Public Health Act 1936 Provided that no complaint shall be made to a justice under section 99 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

Noise  
nuisance.

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

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means within the meaning of the said Act of preventing or mitigating it have been adopted.

[Ch. xxviii.] *Bangor Corporation* [1 & 2 GEO. 6.]  
*Act, 1938.*

A.D. 1938.

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PART VII.  
—cont.

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

(4) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Local Government Act 1933.

Revision  
of pier and  
ferry rates.

**72.**—(1) If it is represented by application in writing to the Minister of Transport (in this section referred to as “the Minister”)—

(a) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose; or

(b) by the Corporation;

that under the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an order revising the authorised rates referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

(2) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application for revision of authorised rates or an authorised rate an order has been made or the Minister has decided not to make an order no further application for a revision of the rates or rate to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall cause an inquiry to be held in reference thereto.

Extension of  
section 2 (3)  
of Public  
Health  
(Inter-  
ments) Act  
1879.

**73.**—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Corporation to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument or urn or niche in a cemetery provided by the

[1 & 2 GEO. 6.] *Bangor Corporation* [Ch. xxviii.]  
*Act, 1938.*

Corporation under the Public Health Acts or in a burial ground provided by the Corporation under the Burial Acts 1852 to 1906 or in a crematorium provided by them under the Cremation Act 1902.

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PART VII.  
—cont.

42 & 43 Vict.

c. 31.

2 Edw. 7.

c. 8.

(2) (a) Any such capital sum shall (unless applied in any other manner authorised by this Act) be invested in statutory securities and a sum equal to the interest thereon applied in maintaining the grave or grave space or monument or urn or niche in such manner as the Corporation think fit and for such period as may be agreed between the Corporation and the person by whom such capital sum is paid.

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

(3) Any such capital sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to the cemetery burial ground or crematorium.

74. The Corporation may pay out of the general rate fund and general rate—

Subscrip-

tions to

local

government

associations

and other

expenses.

(a) reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

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

[Ch. xxviii.] *Bangor Corporation* [1 & 2 GEO. 6.]  
*Act, 1938.*

A.D. 1938.

—  
PART VII.  
—*cont.*

Recovery of  
rates &c.  
from  
persons  
removing.

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

As to  
operation of  
section 11 of  
Rating and  
Valuation  
Act 1925.

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

As to  
recovery  
summarily  
of sums due  
for gas and  
electricity  
fittings.

**77.** If the Corporation commence proceedings for the summary recovery of a sum due to them for the supply of gas or electricity any other payment due to the Corporation by the same consumer for the sale hire connection repair or maintenance of gas or electricity meters pipes fittings apparatus appliances or electric lines for lighting heating or motive power may be included in the same summons and may be recovered summarily as a civil debt provided the amount due in respect thereof does not exceed twenty pounds.

Charges for  
special  
reading of  
meters.

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

For pre-  
vention of  
improper  
use of gas.

**79.** If any person supplied with gas by the Corporation improperly uses or deals with the same so as to interfere with the efficient supply of gas by the



[1 & 2 GEO. 6.] *Bangor Corporation* [Ch. xxviii.]  
*Act, 1938.*

Corporation to any other person the Corporation may if they think fit cease to supply gas to such person. A.D. 1938.

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PART VII.  
—cont.

80. Notwithstanding anything contained in any Act or Order relating to the payment of charges for gas electricity or water supplied by them the Corporation in respect of the amount due on account of any charges for gas supplied by them may make such allowance as they think fit by way of discount to every person who pays such amount together with any charges due from him for water and/or electricity within such time after demand thereof as the Corporation think fit to prescribe in that behalf Provided that all discounts shall be of equal amount under like circumstances to all consumers If and so soon as the Corporation decide to allow any such discount notice to that effect shall be contained in every demand note in respect of such charges. Discount on gas charges.

81. If any money is payable by the Corporation to any employee creditor or holder of any authorised security and the person entitled to such payment is a minor the receipt of the guardian shall be a sufficient discharge to the Corporation. Receipt in case of minors.

82. The Corporation may establish and maintain an information bureau or information bureaux in the borough for the purpose of supplying such information with regard to the borough as may be desired by visitors or intending visitors to the borough and others 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 and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof. Power to establish information bureaux.

83. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with any undertaking department or service of the Corporation. Service of demand notes.

84. Where payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough other than the Public Health Act 1936 any summons or warrant issued for the Several sums in one summons.

A.D. 1938. purposes of any such Act or Order in respect of that  
— person may contain in the body thereof or in a schedule  
PART VII. thereto all the sums payable by him.  
—cont.

Confirming  
authority  
for byelaws.

85. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be the Minister of Health.

Com-  
mencement  
of certain  
provisions  
of this Act.

86.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the Corporation of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers published and circulating in the borough. Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement. Provided that if the provision is one which requires the licensing or registration of any person or premises the application for the licence or registration may be made and determined before the provision comes into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to the sections of this Act of which the marginal notes are—

Section 25 (Parents &c. to notify certain diseases);

Section 27 (Restrictions on attendance at schools and places of assembly);

Section 34 (Registration of hawkers of meat fish fruit and vegetables and premises);

Section 35 (Registration of premises used in connection with sale of ice-cream or preserved food);

Section 37 (As to sale of food from barrows &c.);

Section 43 (Notice of slaughter of animal unfit for food).

(4) As respects any of the said provisions which require the licensing or registration of persons carrying on any business or of premises used for any purpose it shall be lawful for any person who when such provision came into operation—

A.D. 1938.

—  
PART VII.  
—cont.

(a) was carrying on any such business or using any premises for any such purpose; and

(b) had made application in accordance with the provisions of this Act for such licence or registration as is required by this Act;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of the section of this Act of which the marginal note is "As to appeals."

**87.** Section 298 (Restriction on right to prosecute) of the Public Health Act 1936 shall apply to offences created by or under this Act as if they were offences created by or under that Act except that the said section shall not apply to those created by or under the section of this Act of which the marginal note is "Ejection of steam and waste gas to annoyance of public." Restriction on right to prosecute.

**88.**—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part IV (Buildings and streets) or Part V (Infectious disease and sanitary provisions) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred 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 except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or 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.

A.D. 1938.

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PART VII.  
—cont.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision 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 unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Corporation with regard to the same matter.

(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.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

- (a) no proceedings in respect of any failure to execute the work or take the action shall be taken;
- (b) the Corporation shall not execute such work or take such action; and
- (c) any such person may carry on such business and use such premises for such purpose;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

Authenti-  
cation and  
service of  
notices &c.

**89.**—(1) When 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 borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

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*Act, 1938.*

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1936 are by section 285 (Service of notices) of that Act authorised to be served.

A.D. 1938.

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PART VII.  
—cont.

**90.** Section 283 (Notices to be in writing forms of notices &c.) of the Public Health Act 1936 shall have effect as if it was re-enacted in this Act and in terms made applicable thereto.

Application of  
section 283 of  
Public Health  
Act 1936.

**91.** The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

Inquiries by  
Minister.

**92.**—(1) The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act.

Inquiries by  
Minister of  
Transport.

(2) Section 290 of the Local Government Act 1933 shall apply to any inquiry which the Minister of Transport causes to be held under this section or any other provisions of this Act.

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

Recovery of  
penalties &c.

**94.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the

Crown  
rights.

[Ch. xxviii.] *Bangor Corporation Act, 1938.* [1 & 2 GEO. 6.]

A.D. 1938. management of the Commissioners of Crown Lands or  
— of the Board of Trade respectively without the consent  
PART VII. in writing of the Commissioners of Crown Lands or the  
—cont. Board of Trade as the case may be on behalf of His  
Majesty first had and obtained for that purpose.

Costs of  
Act.

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

The SCHEDULE referred to in the  
foregoing Act.

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A.D. 1938.

PROVISIONS AS TO BANGOR CORPORATION BONDS.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

2. Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine and interest shall be payable on bonds on the first day of April and the first day of October in any year. If a bond becomes repayable at a date other than the first day of April or the first day of October the interest on the bond from the first day of April or the first day of October as the case may be until the date of repayment of the bond shall be apportioned and paid to the holder of the bond. If a bond is issued on a date between the first day of April and the first day of October or on a date between the first day of October and the first day of April and becomes repayable before the first day of October or the first day of April as the case may be the interest on the bond between the date of the issue and the date of the repayment thereof shall be apportioned and paid to the holder of the bond.

3. (a) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(b) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

4. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the town hall Bangor on the dates specified in the bonds or the certificate issued in respect thereof and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

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*Act, 1938.*

A.D. 1938.

5.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

6.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.

per cent. *Bangor Corporation Bond.*

This is to certify that \_\_\_\_\_ of  
\_\_\_\_\_ is the registered holder of a bond for  
\_\_\_\_\_ pounds issued by the Corporation of Bangor and  
repayable at par on the \_\_\_\_\_ day of \_\_\_\_\_ at  
the town hall Bangor.

The corporate seal of the mayor  
aldermen and burgesses of  
the borough of Bangor  
was hereunto affixed in the  
presence of \_\_\_\_\_



[1 & 2 GEO. 6.] *Bangor Corporation* [Ch. xxviii.]  
*Act, 1938.*

7. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond. A.D. 1938.

8.—(1) The transfer of a Corporation bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

per cent. Bangor Corporation Bond(s).

I

in consideration of the sum of  
paid by (hereinafter called  
“the transferee”) do hereby assign and transfer to  
the transferee :—

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the transferee do hereby agree to accept and take the said bond(s) subject to the conditions aforesaid.

As witness our hands and seals this                      day of                      .

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the “Register of transfers of Bangor Corporation bonds” (hereinafter called “the register”) and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

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A.D. 1938.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

10. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation for registration.

11. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

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