



CHAPTER xxxvii

An Act to authorise the mayor aldermen and burgesses of the borough of Huddersfield to supply heat by means of hot water or steam to make further provision in reference to lands and waterworks and the improvement health local government and finances of the borough and for other purposes. [30th July 1949.]

WHEREAS the borough of Huddersfield is a county borough under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas it is expedient to empower the Corporation to supply heat by means of hot water or steam in the borough:

And whereas by the Huddersfield Corporation (Lands) Act 1920 the Corporation were authorised to purchase the estate known as the Ramsden (Huddersfield) estate situate in the borough and the adjoining parish of Honley and it is expedient to confer upon the Corporation powers for the development of the lands forming part of the said estate and of other lands and to make further and better provision with reference to the acquisition and user of lands:

And whereas it is expedient to extend the period limited by the Huddersfield Corporation Act 1937 for the construction of the waterworks authorised by that Act as extended by the Huddersfield (Extension of Time) (No. 2) Order 1946:

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

And whereas it is expedient to provide for the removal of a barrier and other obstructions in Glebe Street in the borough and to enact other provisions with regard to that street:

And whereas it is expedient to make further provision in regard to the finances of the Corporation:

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

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

23 & 24 Geo. 5. Act the requirements of Part XIII of the Local Government Act c. 51. 1933 have been observed:

And whereas a plan of Glebe Street aforesaid was duly deposited with the town clerk and is in this Act referred to as the deposited plan:

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 and
collective
titles.

1.—(1) This Act may be cited as the Huddersfield Corporation Act 1949.

(2) The Huddersfield Corporation Acts 1852 to 1936 the Huddersfield Corporation Act 1937 and this Act may be cited as the Huddersfield Corporation Acts 1852 to 1949.

Division of
Act into Parts.

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

Part I.—Preliminary.

Part II.—Heating undertaking.

Part III.—Streets buildings and sewers.

Part IV.—Sanitary &c.

Part V.—Lands.

Part VI.—Weighing machines.

Part VII.—Sale of coke wood fuel &c.

Part VIII.—Establishments for massage or special treatment.

Part IX.—Window cleaners.

Part X.—Entertainments &c.

Part XI.—Finance rating superannuation &c.

Part XII.—Miscellaneous.

Part XIII.—General.

Incorporation
of Lands
Clauses Acts.

3. The Lands Clauses Acts except sections 127 to 132 (which relate to the sale of superfluous lands) of the Lands Clauses Consolidation Act 1845 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of

this Act) are hereby incorporated with and form part of this Act:

PART I
—cont.

Provided that the bond required by section 85 (Compensation for damage) of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section. 8 & 9 Vict. c. 18.

4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90, 110 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction. And in this Act unless the subject or context otherwise requires— Interpretation.
26 Geo. 5. &
1 Edw. 8. c. 49.

“The borough” means the county borough of Huddersfield;

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

“The council” means the council of the borough;

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

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

“The heating undertaking” means the undertaking authorised by Part II (Heating undertaking) of this Act and includes all lands, stations, boiler-houses, properties, works, buildings, machinery, plant, mains, pipes, ducts, apparatus, appliances, easements, rights, powers and privileges for the time being belonging to or held, used or enjoyed by the Corporation for or in connection with the supply of heat by means of hot water or steam;

“The estate undertaking” means the undertaking authorised by or established in pursuance of the Huddersfield Corporation (Lands) Act 1920 and includes—

(a) any land forming part of the estate acquired by the Corporation under the powers of that Act;

(b) any land acquired for the purposes of the estate undertaking; and

(c) any land for the time being appropriated for the purposes of the estate undertaking;

“Electric line” has the same meaning as in the Electric Lighting Act 1882; 45 & 46 Vict. c. 56.

PART I
—cont.41 & 42 Vict.
c. 76.

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

“Contravention” includes a failure to comply and “contravene” shall be construed accordingly;

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

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

7 & 8 Geo. 6.
c. 31.

“Child” has the same meaning as in the Education Act 1944;

1 & 2 Geo. 6.
c. 56.

“Food” has the meaning assigned to it by the Food and Drugs Act 1938;

“The Corporation undertakings” means the undertakings of the Corporation from time to time existing from which revenue is derived;

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

38 & 39 Vict.
c. 83.

“Statutory security” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a 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;

“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;

“Financial year” means the period of twelve months ending on the thirty-first day of March;

1 Edw. 8. &
1 Geo. 6. c. 68.

“Contributory employee” “officer” “servant” “service” “contributing service” and “non-contributing service” have the meanings assigned to those expressions respectively by the Local Government Superannuation Act 1937;

“The Minister” means the Minister of Health;

“The commission” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the

time being delegated to an executive in pursuance of section 5 (The executives) of the Transport Act 1947 shall be construed as a reference to that executive;

PART I
—cont.

10 & 11 Geo. 6.
c. 49.

“The authority” means the British Electricity Authority;

“The electricity board” means the Yorkshire Electricity Board;

“The gas board” means the North Eastern Gas Board;

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 and by this Act;

9 & 10 Geo. 5.
c. 57.

10 & 11 Geo. 6.
c. 51.

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

“The Act of 1936” means the Public Health Act 1936;

“The Public Health Acts” means the Public Health Act 1875 and any Acts amending or extending that Act;

38 & 39 Vict.
c. 55.

“The Act of 1871” and “the Act of 1937” respectively mean the Huddersfield Improvement Act 1871 and the Huddersfield Corporation Act 1937;

34 & 35 Vict.
c. cli.

“Enactment” includes an enactment in this Act or in any general or local Act and any Order byelaw or regulation for the time being in force within the borough.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

HEATING UNDERTAKING

5.—(1) The Corporation may supply heat by means of hot water or steam to such premises as they may think fit in the borough upon and subject to the terms and conditions provided by this Act and such other terms and conditions as may be agreed between the Corporation and the owners or occupiers of those premises:

Supply of
heat.

Provided that in the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(2) Before the Corporation enter into an agreement with the occupier of any premises for the supply of heat to such premises they shall give notice of their intention so to do to the owner of the premises and in the event of the supply of heat to such premises being discontinued notice of such discontinuance shall be given by the Corporation to the owner of such premises.

6.—(1) Subject to the provisions of this Part of this Act the Corporation may on lands in the borough belonging or leased

Works for
provision of
heat.

PART II
—cont.

to them erect lay down maintain work and use stations boiler houses mains pipes and other works for providing storing transmitting distributing and supplying heat by means of hot water or steam and for producing any material product matter or thing arising or used in the process of such provision of heat (including the generation of electricity) together with such buildings boilers engines machinery sidings electric lines matters and things of whatever description as may be required by the Corporation to enable them to provide store transmit distribute and supply heat by means of hot water or steam and the Corporation may accordingly on those lands provide store transmit distribute and supply heat by means of hot water or steam and may produce such materials products matters and things:

Provided that—

- (a) nothing in this section shall be taken to dispense with the consent of any government department to any use of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted ;
- (b) any electrical works or apparatus erected laid down maintained worked and used in pursuance of this section shall be so constructed maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(2) Any electricity generated by the Corporation as aforesaid may be sold—

- (a) to the authority ; or
- (b) with the approval of the authority to the electricity board ;

and any electricity so generated and not so sold as aforesaid may only be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated or (with the consent of the authority and the electricity board) elsewhere.

(3) (a) The authority shall take all the electricity generated by the Corporation as aforesaid which is not—

- (i) required for or in connection with the supply of heat ; or
- (ii) supplied to the electricity board with the approval of the authority ;

upon such terms and conditions as may be agreed between the Corporation and the authority or in default of agreement determined by arbitration on the basis of a supply by a willing seller to a willing buyer.

(b) Any matter to be determined by arbitration under this subsection shall be referred to and determined by an arbitrator to be agreed upon between the Corporation and the authority or in default of agreement to be appointed by the President of the Institution of Electrical Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

7.—(1) If the Corporation shall resolve to construct extend modify or enlarge a station for providing heat under the powers of this Part of this Act they shall forthwith give to the Minister of Fuel and Power and to the authority and to the gas board notice of such resolution together with such information with regard to such station as the authority or the gas board as the case may be may within six weeks of the service of such notice reasonably require including information as to the nature position and capacity of the proposed station (but not details of design) the proposed method of producing heat thereat the area proposed to be supplied therefrom and an estimate of the quantity or quantities of heat required by the Corporation and of the times and form at and in which such quantity or quantities will be required Any dispute between the Corporation on the one hand and the authority and the gas board or either of them on the other hand as to whether any information is reasonably required by the authority and the gas board or either of them under this subsection shall be referred to and determined by the Minister of Fuel and Power.

As to
construction
of station
for providing
heat.

(2) Within three months after the service of the said notice or the receipt of such information (whichever is the later) the authority and the gas board or either of them may serve upon the Corporation a counter-notice offering a supply of heat by means of hot water or steam to them upon such terms and conditions as may be specified in the counter-notice or as may be agreed between the Corporation and the authority or the gas board as the case may be.

(3) If within three months after the receipt of such counter-notice or such longer period as may be agreed between the Corporation and the authority or the gas board as the case may be the terms and conditions upon which a supply of heat by means of hot water or steam is to be given to the Corporation by the authority or the gas board as the case may be for the purposes of the heating undertaking are not agreed between them the Corporation shall submit to the Minister of Health for determination the question whether a supply of heat by means of hot water or steam shall be afforded to the Corporation by the authority or the gas board and (if he determines that a supply of heat is to be afforded by the authority or the gas board) the terms and conditions upon which such a supply is to be afforded.

PART II
—cont.

(4) If the Minister determines that a supply of heat by means of hot water or steam shall be afforded to the Corporation by the authority or the gas board the authority or the gas board as the case may be shall afford such a supply in accordance with the terms and conditions approved by the Minister:

Provided that if the Minister makes a substantial alteration in the terms or conditions on which the authority or the gas board offered a supply of heat by means of hot water or steam to the Corporation then if within twenty-eight days after the receipt of the determination of the Minister the authority or the gas board as the case may be give notice in writing to the Minister and the Corporation that the said terms or conditions are not acceptable they shall not be required to afford a supply of heat by means of hot water or steam to the Corporation and the Corporation shall be entitled to proceed with their proposals as if this section had not been enacted unless within twenty-eight days of such last-mentioned notice the Corporation serve on the authority or the gas board as the case may be a notice requiring a supply in which case the authority or the gas board as the case may be shall afford a supply on the terms and conditions specified in the counter-notice referred to in subsection (2) of this section.

Power to buy
heat in bulk.

8.—(1) The Corporation may enter into and carry into effect agreements with any persons competent to supply heat by means of hot water or steam for the furnishing to the Corporation by such persons of a supply of heat by means of hot water or steam for the purposes of this Part of this Act and any such agreement may provide for the provision by the Corporation or for the joint user by them and any other party to the agreement of any works plant materials or things required for the purposes of the agreement.

(2) The Corporation may for the said purposes also enter into and carry into effect agreements for the taking and use of waste heat hot water or steam from any generating station or gasworks and any authority entitled to give any such supply may enter into such an agreement.

Purchase
of land for
heating
undertaking.

9.—(1) The Corporation may be authorised by the Minister to purchase compulsorily for the purposes of the heating undertaking land in the borough.

9 & 10 Geo. 6.
c. 49.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

(3) In this section the expression "land" includes easements and rights in respect of land and the Corporation may be authorised under this section to acquire compulsorily such

easements or rights only as they may require without purchasing any other interest in the land. In relation to the compulsory acquisition of any such easement or right the Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land in respect whereof the easement or right is acquired and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the easement or right.

(4) Where the Corporation have acquired an easement or right only in any land under this section—

(a) they shall not be required or (except by agreement) entitled to fence off or sever that land from the adjoining land;

(b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use and cultivate the land as if this Act had not been passed.

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal by whom the compensation is to be assessed determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(6) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (5) of this section.

10.—(1) For the purposes of this Part of this Act the Corporation shall have and may exercise the like powers and duties and be subject to the like restrictions as a local authority who supply water under the Act of 1936 have and are subject to under section 119 of that Act with respect to the laying and maintenance of water mains and for that purpose the mains and pipes for transmitting distributing or supplying heat by means of hot water or steam shall be deemed to be water mains and section 278 (Compensation to individuals for damage resulting from exercise of powers under Act) and section 333 (Protection

Further powers as to mains and pipes.

PART II
—cont.

for works of dock undertakers and for railways) of the Act of 1936 shall apply to the exercise of those powers:

Provided that nothing in this section shall authorise the Corporation—

- (a) to lay down a main outside the borough except for the purpose of—
 - (i) giving or facilitating a supply of heat by means of hot water or steam within the borough; or
 - (ii) taking a supply of heat by means of hot water or steam from any works or premises outside the borough;
- (b) to supply heat by means of hot water or steam to any premises outside the borough;
- (c) to lay down a main in any land not forming part of a street and within two hundred and twenty feet of a trunk road except with the consent of the Minister of Transport:

Provided also that where the Corporation in the exercise of the powers of this section propose to lay down a main in a trunk road outside the heating limits section 16 (Notices to be given before constructing public sewers or sewage disposal works outside district) of the Act of 1936 as applied by this section shall have effect as if in paragraph (b) of subsection (1) and in subsection (2) the Minister of Transport were referred to in addition to the local authority of the district.

(2) The Corporation may in any street within the borough lay down such service pipes with such stopcocks and other fittings as they deem necessary for supplying heat by means of hot water or steam to premises within the borough and may from time to time inspect repair alter or renew and may at any time remove any service pipe stopcock or other fitting laid down in a street whether by virtue of this subsection or otherwise.

(3) (a) Where a service pipe has been lawfully laid down in on or over any land not forming part of a street the Corporation may from time to time enter upon that land and inspect repair alter renew or remove the service pipe or lay down a new service pipe in substitution therefor but shall pay compensation for any damage done by them.

(b) Any dispute as to the amount of compensation to be paid under this subsection shall be determined by an arbitrator to be appointed in default of agreement by the Minister.

(4) In this section the expression “service pipe” means a pipe for supplying heat by means of hot water or steam from a main to any premises.

11.—(1) Before the Corporation—

PART II
—cont.

- (a) apply to the appropriate sanctioning authority for consent to the borrowing of money for the purpose of constructing laying down or executing any works for providing storing transmitting or distributing heat under the powers of this Part of this Act; or
- (b) lay down any main under the provisions of this Part of this Act other than a main extending for a distance of not more than two hundred yards from any main laid down in accordance with proposals previously made under this section;

Consultation
with
authority
and boards
as to certain
works.

they shall give to the Minister of Fuel and Power (in this section referred to as "the Minister") and to the authority and the electricity board and the gas board notice of their proposals and such information with regard thereto as the authority or the electricity board or the gas board may within six weeks of the receipt of such notice reasonably require and shall consult with the authority and the electricity board and the gas board on such proposals. Any dispute between the Corporation and the authority or the electricity board or the gas board as to whether any information is reasonably required by the authority or the electricity board or the gas board under this subsection shall be referred to and determined by the Minister.

(2) Without prejudice to the generality of subsection (1) of this section such information shall include particulars of the proposals (if any) of the Corporation as to the standards of heat proposed to be maintained in premises supplied with heat under the powers of this Part of this Act and the measures to be taken with respect to—

- (a) the securing of the safety of the mains pipes and apparatus of the authority and the electricity board and the gas board from damage or injury arising directly or indirectly from any mains or pipes to be laid down or placed by the Corporation under the powers of this Part of this Act;
- (b) the insulation of any such last-mentioned mains or pipes so as to prevent the escape of heat therefrom;
- (c) the maximum and minimum temperatures and pressures at which hot water or steam may be stored transmitted or distributed by the Corporation;
- (d) the methods for measuring the volume temperature and pressure of the hot water or steam so stored transmitted or distributed; and
- (e) the independent testing of such measurements.

(3) The authority and the electricity board and the gas board or any of them may within three months after the receipt of

PART II
—cont.

such notice or the receipt of such information (whichever is the later) make representations to the Minister with respect to such proposals.

(4) If no such representations are made the Corporation shall not proceed except in accordance with the proposals sent to the authority and the electricity board and the gas board or any alteration thereof which may be agreed.

(5) If any such representations are made the Corporation shall not proceed with their proposals except with the approval of the Minister and in accordance with any modification of such proposals which the Minister may require.

(6) The provisions of this section shall not apply to the construction extension modification or enlargement of a station for providing heat under the powers of this Part of this Act.

Power to lay
down or erect
electric lines
&c.

12.—(1) For the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 6 (Works for provision of heat) of this Act the Corporation may with the consent of the authority and the electricity board lay down or erect electric lines and apparatus in under or over any street in the borough and may from time to time inspect repair alter or renew or may at any time remove any electric line or apparatus laid down or erected by them whether by virtue of this section or otherwise.

8 & 9 Geo. 6.
c. 42.

(2) The provisions of Part VI (Breaking open streets &c.) of the Third Schedule to the Water Act 1945 (except in section 22 thereof the words "and outside those limits for the purpose of laying any mains which they are authorised to lay and of inspecting repairing renewing or removing mains" and in section 25 subsection (4) thereof) shall apply with the necessary modifications to the laying down erection inspection repair alteration renewal or removal of electric lines and apparatus under this section.

62 & 63 Vict.
c. 19.

(3) The provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1936 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall so far as applicable extend and apply to any electric lines or apparatus laid down or erected under this section and references in those provisions to the undertakers shall be construed as references to the Corporation.

Attachment
of brackets,
&c. to
buildings
and bridges.

13.—(1) The Corporation may with the consent in writing of the owner of any building or wall or any bridge over any street attach thereto such brackets mains electric lines and attachments (in this section referred to as "attachments") as may be required for the purposes of the heating undertaking.

(2) Where in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

- (a) any building or wall forming part of an aerodrome ; or
- (b) any building which is designated in a list compiled or approved by the Minister of Town and Country Planning as being a building of special architectural or historic interest or any building or wall which the owner thereof alleges to be a building or wall of such interest ;
or
- (c) any building or wall or bridge owned by the commission ;
or
- (d) any building or wall owned by the authority or the electricity board or the gas board ;

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or wall or bridge they may appeal in the case of a building or wall or bridge owned by the commission to the Minister of Transport in the case of a building or wall owned by the authority or the electricity board or the gas board to the Minister of Fuel and Power in the case of a building or wall being or alleged to be of special architectural or historic interest to the Minister of Town and Country Planning and in any other case to the Minister and the Minister of Transport the Minister of Fuel and Power the Minister of Town and Country Planning or the Minister as the case may be may by order either allow the attachments subject to such terms (if any) as to rent or otherwise as he thinks fit or disallow the attachments.

(4) Where any attachments have been affixed to a building or wall or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or wall or bridge the subsequent owner may give to the Corporation notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall (unless otherwise agreed) within six months after the service of the notice remove the attachments :

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

PART II
—cont.

(5) Where any attachments have been made under this section to any building or wall or bridge the owner of the building or wall or bridge may require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or wall or bridge.

(6) The Corporation shall make compensation to the owner of any building or wall or bridge for any damage caused thereto by the affixing thereto of any attachments under the powers of this section.

(7) In this section—

the expression “owner”—

(a) in relation to a building or wall occupied under a tenancy for a term of years whereof five years or more remain unexpired means the occupier of the building ;

(b) in relation to a building or wall occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent ;

(c) in relation to a building or wall forming part of an aerodrome means (notwithstanding anything in this subsection) the person having control of the aerodrome ; and

the expression “own” shall be construed accordingly ;
and

the expression “aerodrome” means an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920.

10 & 11 Geo. 5.
c. 80.

Power to
supply
fittings.

14.—(1) In any premises to which the Corporation supply or propose to supply heat by means of hot water or steam they may provide (but not manufacture) and may supply by way either of sale or hire any such radiators pipes meters apparatus and fittings (in this Part of this Act called “fittings”) as may be required for or in connection with the utilisation of the heat so supplied and may instal repair renew or alter any fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation repair renewal or alteration.

(2) The Corporation may make such charges as may be agreed or in default of agreement as may be reasonable for any fittings supplied or any materials provided or work done under this section at the request of the owner or occupier of the premises supplied.

(3) Any fittings let by the Corporation for hire and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof—

(a) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be ; and

(b) shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and (subject to the provisions of the Hire Purchase Act 1938) removable by the Corporation :

1 & 2 c.
c. 53.

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) All fittings supplied by the Corporation under any hire purchase agreement shall until payment of the final instalment of the purchase money for such fittings be deemed for the purposes of subsection (3) of this section to be fittings let for hire by the Corporation.

(5) (a) The Corporation shall so adjust the charges to be made by them under this section as to meet any expenditure by them thereunder including interest upon any moneys borrowed for the purposes thereof and any sums carried to a sinking fund for repayment of moneys so borrowed.

(b) The total sums expended and received by the Corporation in connection with the purposes of this section in each year including interest and any sums carried to a sinking fund shall be separately shown in the abstract of accounts of the Corporation for that year.

(6) If any person wilfully injures or suffers to be injured any fittings belonging to the Corporation he shall be liable to a penalty not exceeding five pounds and the Corporation may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender and if the amount does not exceed twenty pounds summarily as a civil debt.

15.—(1) The Corporation may from time to time prescribe a scale of charges (in this section called "heating charges") for heat supplied to premises under the powers of this Part of this Act and where heat is so supplied to any premises the heating charges in accordance with the scale shall be payable by the occupier of those premises except in any case where the owner has agreed to pay the same in which case they shall be payable by the owner. Heating charges.

PART II
—cont.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by the Corporation either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt and subject as hereinafter provided where a person fails to pay within seven days after a demand therefor any instalment of a heating charge payable by him in respect of any premises the Corporation may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the instalment due:

Provided that if before the expiration of the said seven days notice in writing is given to them that there is a dispute as to the amount due in respect of the heating charge or as to the liability to pay the charge they shall not cut off the supply of heat until the dispute has on the application of either party been determined by a court of competent jurisdiction.

Security for
payment
of accounts.

16. The Corporation may require any person desiring to take a supply of heat by means of hot water or steam or to be supplied with fittings or materials under this Part of this Act to deposit with the Corporation before taking such supply of heat or being supplied with such fittings such sum as the Corporation may reasonably require as security for the payment of any moneys which may become due from him to the Corporation in respect of such supply or of any fittings or materials supplied to him in connection therewith.

Discounts
for prompt
payment.

17. The Corporation may if they think fit make an allowance by way of discount on all sums of money due to them for the supply of heat by means of hot water or steam from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges:

Provided that the Corporation shall make the same allowance to all persons under similar conditions.

Notice to be
given before
quitting
premises
supplied with
heat.

18.—(1) If the occupier of any premises supplied with heat by means of hot water or steam by the Corporation quits the premises without giving notice of his intention so to do to the Corporation in manner provided by this section he shall be liable to pay to the Corporation all money accruing due for heat supplied by them to the premises and for meter rent (if any) up to the next date on which the register of the meter is usually ascertained or the date from which any subsequent occupier of the premises requires the Corporation to supply heat to the premises which ever first occurs.

(2) The notice to be given under this section by an occupier of premises shall be given in writing and sent by registered post or otherwise delivered to the Corporation at the town hall Huddersfield so that it is received by the Corporation at least twenty-four hours before he quits the premises.

(3) The foregoing provisions of this section or a statement of the effect thereof shall be endorsed upon every demand note for heating charges payable to the Corporation.

19. Subject to the provisions of this section any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter any premises in the borough at all reasonable hours for the purpose of—

- (a) inspecting and examining any fittings (as defined in section 14 (Power to supply fittings) of this Act) whether belonging to the Corporation or not ;
- (b) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any byelaws made thereunder ;
- (c) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this Part of this Act ;
- (d) taking any action or executing any work authorised or required by this Part of this Act to be taken or executed by the Corporation :

Provided that except in cases of emergency arising from defects in any fittings admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier :

Provided also that nothing in this section shall authorise any authorised officer of the Corporation—

- (a) without the previous consent in writing of the authority or the electricity board or the gas board (as the case may be) to enter any premises occupied or used by the authority or the electricity board or the gas board in connection with the generation or supply of electricity or the manufacture storage or supply of gas other than offices or showrooms ; or
- (b) without the previous consent of the commission to enter any premises (other than offices hotels or houses) occupied or used by the commission in connection with their undertaking.

20.—(1) If any person wilfully and without the consent of the Corporation turns on opens closes shuts off or otherwise

Interference
with apparatus
&c.

PART II
—cont.

interferes with any valve cock or other work or apparatus belonging to the Corporation and thereby improperly causes the supply of heat to be interfered with he shall be liable to a penalty not exceeding five pounds and (whether proceedings be taken against him in respect of his offence or not) the Corporation may recover from him the amount of any damage sustained by them either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

(2) If any person wrongfully takes uses or diverts any heat or hot water or steam from any apparatus provided for the purposes of this Part of this Act he shall (without prejudice to any other right or remedy of the Corporation) be liable to a penalty not exceeding five pounds.

Byelaws for
protection
of heating
undertaking.

21.—(1) The Corporation may make byelaws for preventing the waste misuse or contamination of or interference with the circulation of hot water or steam used by them in connection with the supply and use of heat under this Part of this Act or for preventing the waste or undue consumption of heat supplied under this Part of this Act.

(2) Byelaws under this section may include provisions—

(a) prescribing the size nature materials strength and workmanship and the mode of arrangement connection disconnection insulation alteration and repair of the fittings to be used ; and

(b) forbidding the use of any fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—

(i) waste misuse or contamination of or interference with the circulation of hot water or steam ;

(ii) reverberation in pipes ; or

(iii) waste or undue consumption of heat.

(3) If any person contravenes the provisions of any byelaw made under this section the Corporation may without prejudice to their right to take proceedings for a penalty in respect of such contravention cause any fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

(4) Nothing in this section or in any byelaw made thereunder shall extend to any station for generating electricity belonging to the authority.

(5) Nothing in this section or in any byelaw made thereunder shall apply to any fittings used on premises which belong to the commission and are held or used by them for the purposes of their railway so long as those fittings are not of such a nature or so arranged or connected as to cause or permit or be likely to cause or permit—

(a) waste misuse or contamination of or interference with the circulation of hot water or steam ;

(b) reverberation in pipes ; or

(c) waste or undue consumption of heat :

Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or dwelling-houses or in offices not forming part of a railway station.

(6) In this section the expression “ fittings ” includes air heaters water heaters mains pipes taps cocks valves ferrules and other works used in connection with the supply or use of heat by means of hot water or steam.

22. Section 79 (Reserve funds) of the Act of 1937 shall apply to the heating undertaking as if it were referred to in that section : Financial provisions.

Provided that the maximum reserve prescribed by the Corporation under the said section 79 in respect of the heating undertaking shall not exceed a sum equivalent to one-fifth of the aggregate capital expenditure on that undertaking.

23.—(1) The provisions of the Town and Country Planning Acts 1944 and 1947 shall where applicable apply to the heating undertaking as if that undertaking were a statutory undertaking and as if the Minister of Health were the “ appropriate Minister ” within the meaning of section 119 of the Town and Country Planning Act 1947. Application of certain Acts to heating undertaking.
7 & 8 Geo. 6.
c. 47.

(2) Section 4 (Restriction on laying of mains &c. in special roads) of the Special Roads Act 1949 shall apply in relation to the powers conferred on the Corporation by this Act to lay down or erect mains pipes electric lines and apparatus in under or over any land for the purpose of the heating undertaking as it applies in relation to the powers conferred on statutory undertakers as defined in the first-mentioned Act by or under any enactment to lay down or erect any apparatus on under or over any land and the expression “ statutory undertakers ” in the said section 4 shall be construed accordingly. 12 & 13 Geo. 6.
c. 32.

24.—(1) The Corporation shall give to the authority and to the electricity board and the gas board such reports and returns and such information with respect to the heating undertaking as the authority or the electricity board or the gas board may reasonably require and the authority and the gas board shall Reports &c. with respect to heating undertaking &c.

PART II
—cont.

give to the Corporation such reports and returns and such information with respect to any supply by them of heat by means of hot water or steam as the Corporation may reasonably require.

(2) Any dispute between the Corporation on the one hand and the authority or the electricity board or the gas board on the other hand as to whether any reports returns or information are reasonably required by the authority or the electricity board or the gas board or the Corporation (as the case may be) shall be determined by the Minister of Fuel and Power.

Separate
accounts.

25.—(1) The Corporation shall keep separate accounts of the heating undertaking so as to include all items which ought to be entered therein in order to show the financial position of the undertaking and so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all income in respect of the undertaking and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show the amounts expended in respect of each of the following purposes (that is to say):—

- (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 in connection with the undertaking;
- (c) the requisite appropriations and instalments or sinking fund payments in respect of the repayment of moneys borrowed for the purposes of or in connection with the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) paid to any reserve fund which the Corporation are authorised to maintain.

(2) The Corporation shall apportion between the accounts to be kept by them under this section and any other accounts of the Corporation any receipts credits payments and liabilities which from time to time ought to be so apportioned.

For protection
of under-
takers.

26. For the protection of the authority and the electricity board and the gas board and the mayor aldermen and burgesses of the borough of Batley (each of whom is in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers apply and have effect:—

(1) In this section—

the expression "apparatus" means—

- (a) as regards the authority and the electricity board any electric lines or works (as respectively

defined in the Electric Lighting Act 1882) belonging to the authority or the electricity board (as the case may be);

(b) as regards the gas board any mains pipes or other apparatus belonging to the gas board;

(c) as regards the mayor aldermen and burgesses of the borough of Batley any water mains pipes or other apparatus belonging to the said mayor aldermen and burgesses;

the expression "authorised work" means any main service pipe conduit duct or other work laid down placed or executed by the Corporation for the purpose of the heating undertaking in the exercise of the powers of this Part of this Act:

- (2) Where the Corporation require to dig or sink any trench for laying down placing or constructing any authorised work near to which any apparatus has been lawfully placed the Corporation shall give to the undertakers to whom such apparatus belongs notice in writing of such requirement together with plans sections and particulars of the authorised work to be laid in such trench and if it should appear to the undertakers that the laying down placing or construction of such authorised work would injure interfere with or endanger any apparatus or interfere with the access thereto or impede the supply of electricity or gas or water by means thereof the undertakers may within fourteen days from the receipt of such notice give to the Corporation notice in writing requiring them to alter the position or depth of such apparatus in such manner as may be reasonably necessary for avoiding any such injury interference danger or impediment and any difference as to the necessity for such alteration or the manner of carrying out the alteration shall be determined by arbitration All such alterations shall (save as in this section provided) be carried out by and at the expense of the Corporation with as little detriment and inconvenience to the undertakers as the circumstances will admit and to the reasonable satisfaction of the engineer of the undertakers and under his superintendence unless after receiving not less than three days' notice for that purpose (which notice the Corporation are hereby required to give except in cases of emergency) he refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the laying down placing or construction of such work:

PART II
—cont.

(3) The Corporation in laying down placing or constructing any authorised work shall not interfere with the access to any apparatus to any greater extent than is necessary for the purpose of or in connection with the carrying out of that work and shall not remove or displace any apparatus or do anything to endanger any apparatus or impede the passage of electricity or gas or water into or through any apparatus without the consent (which shall not be unreasonably refused) of the undertakers or in any other manner than the undertakers shall reasonably approve nor in the case of apparatus proposed to be removed or displaced until good and sufficient apparatus and other works reasonably necessary or proper for continuing the supply of electricity or gas or water as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the engineer of the undertakers:

(4) If the undertakers shall desire—

(a) to alter the position or depth of any apparatus under subsection (2) of this section and shall within the period of fourteen days referred to in that subsection give not less than seven days' notice in writing thereof to the Corporation; or

(b) to provide any apparatus in lieu of any apparatus proposed to be removed or displaced under subsection (3) of this section and shall within the period of fourteen days from the date of the giving of their consent under that subsection or as the case may be from the date of a determination that such consent is unreasonably refused give not less than seven days' notice thereof to the Corporation; the undertakers may themselves carry out any of the said works and shall commence execute and complete the same with all reasonable dispatch and to the reasonable satisfaction of the Corporation and all reasonable expenses properly incurred by them under this subsection shall be repaid to them by the Corporation:

(5) The reasonable expense of all repairs or renewals of—

(i) any apparatus existing at the time of the laying down placing or construction of the authorised work; or

(ii) any apparatus substituted for such existing apparatus or any part thereof and being of reasonably similar size and type;

which may at any time hereafter be rendered reasonably necessary by reason of—

PART II
—cont.

(a) the acts or defaults of the Corporation their contractors agents workmen or servants or any person in the employ of them or any of them in the exercise of the powers of this Part of this Act; or

(b) any subsidence resulting from the laying down placing construction or removal of any authorised work whether during the laying down placing construction or removal of the authorised work or at any time within two years thereafter;

shall be borne and paid by the Corporation:

- (6) The Corporation in laying down placing constructing or removing any authorised work shall make good all damage done by them to any apparatus and shall make compensation to the undertakers for any loss damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service or supply lines or pipes of any person supplied by the undertakers with electricity or gas or water:
- (7) If any difference shall arise between the Corporation and the undertakers or their respective engineers with respect to any matter under this section the matter in difference shall be referred to arbitration:
- (8) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the undertakers may be under in respect of their apparatus and any duties or obligations which the Corporation may be under in respect of the authorised work and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with any purpose for which the apparatus is used.

27. Nothing in this Part of this Act shall exonerate the Corporation from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Corporation not to be exempted from proceedings for nuisance.

PART III

STREETS BUILDINGS AND SEWERS

28.—(1) The Corporation may enter into and carry into effect agreements with persons having a legal interest in lands adjoining any street (not being a trunk road) for the adjustment of the boundary of any such street and for that purpose may give land including land forming part of the street in exchange for other land For the purposes of this section the Corporation

Adjustment of boundaries of streets.

PART III
—cont.

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:

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 may appeal to a court of summary jurisdiction against the proposals and section 137 (As to appeals) of this Act shall apply to any such appeal as if the proposals were a decision of the Corporation.

(2) 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:

Provided that if the Corporation or any person in whom such site is vested desires that such telegraphic line should be altered the enactments of section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 shall thereupon apply in all respects as though the Corporation or the said person (as the case may be) were "undertakers" within the meaning of the said Act.

(3) 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.

Removal of
obstructions
in Glebe
Street.

29.—(1) The Corporation may pull down and remove any post gate barrier obstruction or erection (in this section referred to as an "obstruction") in any part of Glebe Street in the borough delineated on the deposited plan and may make good the surface of such street.

(2) If at any time after the passing of this Act any person shall construct erect or place any obstruction in any part of Glebe Street aforesaid he shall be liable to a penalty not exceeding ten pounds and the Corporation may pull down and remove such obstruction and recover the expenses of so doing from such person.

(3) No compensation shall be payable by reason of the exercise by the Corporation of the powers of this section.

(4) Nothing in this section shall apply to any obstruction constructed erected or placed by the Corporation the Postmaster-General or any statutory undertakers in pursuance of the powers of any enactment.

(5) If the Corporation at any time by a declaration recorded among the proceedings of the council declare Glebe Street to be a public highway then notwithstanding anything contained in section 45 (Streets sewered paved &c. to be public highways) of the Act of 1871 or the objection of any owner or owners of buildings and lands such street shall be a public highway and shall be repairable accordingly.

30.—(1) In so far as the Corporation may indicate by notices conspicuously placed on or in proximity to any grass or other area which is situate in or forms part of or adjoins any street and is mown or maintained by the Corporation in an ornamental condition that such area is not intended for use by foot passengers horses cattle or vehicles any person who shall wilfully walk or otherwise proceed or lead ride or drive any horse cattle or vehicle on over or across any such area shall be liable to a penalty not exceeding one pound.

Prohibition of persons vehicles &c. on grass margins.

(2) Nothing contained in this section shall affect the duty of the Corporation under section 58 (Provision of footpaths and grass or other margins) of the Road Traffic Act 1930.

20 & 21 Geo. 5.
c. 43.

31.—(1) Before any person shall erect on any land in 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.

As to erection of retaining walls.

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

(3) The provisions of this section shall not extend or apply to any land belonging to the commission and used by them for the purposes of their railways canals or inland navigations or to any retaining wall erected on such land.

32.—(1) Paragraphs (b) and (ii) of subsection (1) of section 58 (Dangerous or dilapidated buildings and structures) of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect in the borough and the following provisions of this section shall have effect in lieu thereof.

Ruinous and dilapidated buildings and neglected sites.

(2) Where a building or part of a building in the borough is by reason of its ruinous or dilapidated condition seriously detri-

PART III
—cont.

mental to the amenities of the neighbourhood the Corporation may by notice require the owner thereof within a reasonable time specified in the notice—

- (a) to execute such works of repair or restoration ; or
- (b) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition ;

as may be necessary for remedying the cause of complaint.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building or part of a building in the borough is lying on the site of the building or that part thereof or any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land within a reasonable time specified in the notice to take such steps for removing the rubbish or material as may be necessary for remedying the cause of complaint.

(4) If any person fails to comply with a notice served on him under this section the Corporation may themselves—

- (a) in the case of a notice served under subsection (2) execute such works of repair or restoration as they think necessary or if they think fit demolish the building or any part thereof and remove any rubbish resulting from or exposed by the demolition ; or
- (b) in the case of a notice served under subsection (3) remove the rubbish or material ;

and in either case recover from that person the expenses reasonably incurred by them in so doing.

(5) Notwithstanding anything in subsection (3) of section 276 (Power of local authority to sell certain materials) of the Act of 1936 as applied by this Act that section shall apply to all rubbish or other material removed by the Corporation under this section.

(6) In this section the expression “ building ” includes a structure.

Restriction on
erection of
stands &c.

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

(2) Any person aggrieved by any conditions prescribed by the Corporation under this section may appeal in accordance with section 137 (As to appeals) of this Act:

Provided that pending the determination of such appeal twenty or more persons shall not be admitted to such stand or structure unless the conditions prescribed by the Corporation have been complied with.

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

(4) The provisions of this section shall not apply to any stand or structure erected by a person who is the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

34. Section 60 (Means of escape from fire in the case of certain high buildings) of the Act of 1936 shall within the borough have effect as if the following were substituted for subsection (4) of that section:—

Further provisions as to means of escape from fire in case of certain buildings.

“(4) This section applies to any building which exceeds one storey in height and in which the floor of any upper storey is more than twenty feet above the surface of the street or ground on any side of the building and which—

(a) is let in flats or tenement dwellings; or

(b) is used as an inn hotel boarding-house hospital nursing home boarding school children’s home or similar institution or as a restaurant shop store office or warehouse”.

35.—(1) If it appears to the Corporation that for the purpose of preventing fire or injury or danger to persons resorting to any building to which section 59 (Exits entrances &c. in the case of certain public and other buildings) of the Act of 1936 applies—

Further provision for public and other buildings.

(a) the apparatus or fittings for lighting or heating the buildings require alteration or renewal; or

(b) the arrangement of the chairs and seating requires alteration; or

(c) any floor requires strengthening in order to prevent overloading;

the Corporation may by notice require the owner of the building to make such provision in regard to the matters aforesaid as may be necessary:

Provided that—

(i) nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder;

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

PART III

—cont.

6 & 7 Vict.

c. 68.

9 Edw. 7.

c. 30.

(ii) this section shall not apply to premises in respect of which a licence under the Theatres Act 1843 or section 267. (Places for dancing music and other public entertainments) of the Act of 1871 or the Cinematograph Act 1909 is for the time being in force.

(2) The provisions of section 290 (Provisions as to appeals against and the enforcement of notices requiring execution of works) of the Act of 1936 shall apply in relation to any notice given under this section.

Height of
chimneys.

36.—(1) Every chimney erected after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes shall within such time as may be specified in that behalf in a notice given by the Corporation to the owner of such chimney be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably require having regard to the use of such chimney the position of houses or other buildings near thereto the character of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Corporation may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

Power to order
alteration
of chimneys.

37. 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 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 fifty pounds and any such owner as aforesaid who shall contravene such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Separate
sewers for
sewage and
surface water.

38. For the purpose of facilitating the disposal of surface water and sewage the powers of the Corporation under section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 shall extend to the making of

byelaws requiring any person constructing a new street to provide separate sewers for the reception of surface water and of sewage respectively.

PART III
—cont.

39.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in land and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of this section the expenses so incurred so far as they do not exceed the sum authorised by subsection (4) of this section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

Apportionment and recovery of expenses of sewer when land becomes a street.

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

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

(4) The sum apportionable under this section shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the length of sewer in question.

(5) As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

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

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

(7) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any

PART III
—cont.

premises fronting adjoining or abutting on the street or part of the street after the date when the street was laid out the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of the street of the site of and the land occupied with the new building:

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

For the purposes of this subsection—

(a) a building shall be deemed to be a new building erected after the date when the street was laid out unless the erection of the building was completed before that date;

(b) the erection of a new building shall be deemed to include—

(i) the re-erection wholly or partially of any building of which an outer wall is pulled down otherwise than in consequence of fire or other accident to such a distance that the part of that wall remaining (if any) is less than half the previous height of the building the height being measured from the ground level to the highest point of the building;

(ii) the conversion into a house of any building not originally constructed for human habitation;

(iii) the conversion of any premises into a factory workshop or place of public resort;

(iv) any extension by reason whereof the area occupied by the site of the building will with any previous extension made since the date when the street was laid out be increased by an area equal to more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date.

15 & 16 Geo. 5.
c. 22. (8) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated.

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

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

(11) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein.

PART IV

SANITARY &C.

40. Section 83 (Cleansing of filthy or verminous premises) of the Act of 1936 shall within the borough have effect as if the following were substituted for subsection (1) of that section:—

Cleansing of
filthy or
verminous
premises.

“(1) Where the local authority upon consideration of an official representation or a report from any of their officers or other information in the possession of the local authority are satisfied that any premises—

- (a) are in such a filthy or unwholesome condition as to be prejudicial to health ; or
- (b) are verminous ;

the local authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises—

- (i) by cleansing and disinfecting them ; and
- (ii) by distemping or whitewashing the interior surface thereof or in the case of premises used for human habitation or as shops or offices by papering or painting the said interior surface ;

and the notice may require among other things the removal of wallpaper or other covering on the walls and in the case

PART IV
—cont.

of verminous premises the taking of such other steps as may be necessary for the purpose of destroying or removing vermin ”.

Power to
require persons
to vacate
premises
during
fumigation.

41.—(1) If the Corporation take action under paragraph (b) of subsection (1) of section 83 (Cleansing of filthy or verminous premises) of the Act of 1936 and in the opinion of the Corporation it is necessary to use gas to destroy vermin on the premises they may serve notices on the occupiers of premises in the fumigation area and the risk area as defined in the Hydrogen Cyanide (Fumigation of Buildings) Regulations in force for the time being requiring all persons to vacate those premises during such period as may be specified by the Corporation :

Provided that the Corporation shall not require any person to vacate his premises under this section unless temporary shelter or house accommodation shall have been provided for him.

(2) Any person who contravenes a notice served under this section shall be liable to a penalty not exceeding five pounds.

(3) The Corporation may pay to any person required to vacate his premises in pursuance of the powers contained in this section such reasonable allowance as they think fit towards his expenses in removing.

(4) The Rent and Mortgage Interest Restrictions Acts 1920 to 1939 shall not be deemed to cease to apply to any premises by reason only of the fact that such premises have been vacated in compliance with a notice served under this section.

Vacation of
filthy premises
during
cleansing.

42.—(1) (a) If the owner of any house or premises occupied therewith represents to the Corporation that the occupier of such house or premises habitually maintains the same in a filthy condition any authorised officer of the Corporation may enter upon such house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the complaint of the medical officer to a court of summary jurisdiction to be ordered to vacate the house or premises for such time to be specified in the order as may be reasonably required for remedying the condition of the house or premises by cleansing disinfecting or whitewashing or taking such other steps as may be necessary for such purpose.

(b) Any order made under this section may be enforced in the manner provided by section 34 (Summary orders) of the Summary Jurisdiction Act 1879.

42 & 43 Vict.
c. 49.

(2) The Rent and Mortgage Interest Restrictions Acts 1920 to 1939 shall not be deemed to cease to apply to a house or premises by reason only of the fact that such house or premises has or have been vacated in compliance with an order made under this section.

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

PART IV
—cont.

43.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 107 (Restriction on establishment of offensive trade in urban district) of the Act of 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 a notice stating the effect of the resolution and requiring him before the expiration of twelve months from the date of the notice to cease to use such premises for the carrying on of such offensive trade.

Discon-
tinuance of
offensive
trade.

(2) Any person who contravenes 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 two pounds.

(3) If the Corporation in pursuance of this section 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.

(5) Nothing in this section contained shall extend or apply to any premises used for the carrying on of a trade or business in the course of which by-products from animals slaughtered for food are manufactured worked up processed produced sold or offered for sale. For the purposes of this subsection "by-products" means and includes any material arising from any part of an animal after slaughter and whether in its natural state or after treatment.

44.—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Act of 1936:

Noise
nuisance.

Provided that no complaint to a justice under section 99 (Power of individual to make complaint as to statutory nuisance)

PART IV
—cont.

of the said Act shall be of any effect unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance which is the subject of the complaint.

(2) In any proceedings under the Act of 1936 in respect of a noise nuisance occasioned in the course of any trade business or occupation it shall be a good defence for the person charged to show that he has used the best practicable means of preventing or mitigating the nuisance having regard to the cost and to other relevant circumstances.

(3) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise which is prejudicial to health.

(4) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 (Byelaws for good rule and government and suppression of nuisances) of the Act of 1933.

(5) Nothing contained in this section shall apply to any railway canal or inland navigation undertakers or their servants exercising statutory powers.

Registration
of hawkers of
food and
their
premises.

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

(a) No person other than a person keeping open shop for the sale of food shall either by himself or by any person employed by him sell offer or expose for sale any food from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is registered with the Corporation;

(b) No premises shall be used as storage accommodation for any food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle unless the premises are registered as aforesaid.

(2) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the owner or occupier or intending owner or occupier thereof.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(4) (a) The Corporation may refuse to register any person or premises under this section or (after giving one month's notice to the person registered or in whose name the premises are registered) may revoke the registration of any person or premises under this section if they are satisfied (i) as regards a person

that the public health is or is likely to be endangered by any act or default of his in relation to the quality storage or distribution of food or (ii) as regards premises that the 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 a committee of the council 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 section 137 (As to appeals) of this Act against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

(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 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 food 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) The provisions of this section shall not apply to any premises registered under section 14 (Registration of premises used in connection with the manufacture or sale of ice-cream or preserved food &c.) of the Food and Drugs Act 1938 or to any dairy or dairyman registered under Part II (Provisions as to milk dairies and artificial cream) of that Act or under any regulations made thereunder or under an enactment thereby repealed.

(8) The provisions of this section shall not apply to any premises used as a theatre cinematograph theatre music hall or concert hall or to any person in respect of the sale or offer or exposure for sale of any food in any such premises.

PART IV
—cont.

(9) In this section the expression "food" does not include any substance contained in a container of such materials and so closed as to exclude all risk of contamination.

Registration of
hairdressers
and barbers
and their
premises.

46.—(1) As from the commencement of this section every person who shall carry on the trade or business of a hairdresser or barber shall register his name and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Corporation for the purpose and the Corporation shall thereupon issue a certificate of registration.

(2) The Corporation may make byelaws for the purpose of securing the cleanliness of—

(a) any premises registered under this section and of the instruments towels materials and equipment used therein; and

(b) persons employed in such premises in regard to both themselves and their clothing.

(3) The person registered shall keep a copy of the byelaws made by the Corporation under this section and the certificate of registration displayed in the registered premises.

(4) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or of any byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in the borough in which there is reason to believe that the said trade or business is being carried on:

Provided that the powers conferred by this subsection of entering premises for the purpose of examining whether there is any contravention of any byelaw made for the purposes mentioned in paragraph (b) of subsection (2) of this section shall not be exercised by any officer except the medical officer or the sanitary inspector.

(5) Any person carrying on such trade or business as aforesaid whose name place of abode and premises in which such trade or business is carried on have not been registered in accordance with subsection (1) of this section or whose registration has been cancelled or suspended as hereinafter provided or who contravenes any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding

one pound and a court of summary jurisdiction may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration.

PART IV
—cont.

(6) If the registration is suspended or cancelled under the provisions of subsection (5) of this section the certificate of registration shall be returned to the Corporation within seven days from such suspension or cancellation.

PART V

LANDS

47.—(1) The Corporation may by agreement acquire (whether by purchase lease or exchange) and hold any land which in their opinion it is desirable that they should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough notwithstanding that the land may not be immediately required.

Extension of
power to
acquire land
by agreement.

(2) Any land acquired under this section may be appropriated by the Corporation subject to and in accordance with the provisions of section 163 (Power to appropriate land) of the Act of 1933 as if it were not required for the purposes for which it was acquired.

(3) Pending such appropriation as aforesaid all expenses incurred by the Corporation under this section shall be payable out of the general rate fund.

48.—(1) The Corporation may—

Retention and
disposal of
land.

(a) retain and hold and use for such time as they think fit any land or interest in land acquired by them under this Act;

(b) sell lease exchange or otherwise dispose of any such land or interest in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of payment in any other form);

(c) sell exchange or dispose of any rents reserved on the sale lease exchange or other disposition of any such land or interest;

(d) make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition;

(e) on any such exchange give or take money for equality of exchange:

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any

PART V
—cont.

such land or any interest therein at a price or rent or for a consideration of a value less than the current market value of the land or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(2) Nothing in this section shall release the Corporation or any person purchasing or acquiring any land or interest in land from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Corporation or any persons from or through whom the Corporation have derived title to it.

Proceeds
of sale of
surplus land.

49.—(1) Any capital money received by the Corporation on the re-sale or exchange of or by leasing any land acquired under this Act or for the time being forming part of the estate undertaking may (so far as they consider necessary and subject to the approval of the Minister) be applied by them in the purchase of other land.

(2) Any capital money so received and not so applied shall (subject to the provisions of section 87 (Consolidated loans fund) and section 89 (Capital fund) of this Act) be applied in or towards the extinguishing of any loan raised by the Corporation under any enactment.

(3) Any application of money under the last foregoing subsection shall unless the Minister on the application of the Corporation otherwise directs and subject in that event to such conditions as he may impose be in addition to and not in substitution for such method of extinguishing the loan as may have been adopted by the Corporation under any enactment.

(4) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any land acquired under any enactment other than this Act and not forming part of the estate undertaking shall be applied in the same manner as capital moneys received under that enactment are applicable or in such other manner as may be approved by the Minister.

(5) Section 7 (Proceeds of sale of surplus lands) of the Huddersfield Corporation (Lands) Act 1920 is hereby repealed.

Development
of land.

50.—(1) (a) The Corporation may lay out and develop any land forming part of the estate undertaking at the date of the passing of this Act and may on any such land erect and maintain houses shops offices hotels warehouses and any other buildings and construct sewer drain pave channel and kerb streets roads and highways.

(b) The Corporation may (with the consent of the Minister) lay out and develop any other land for the time being belonging

to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave channel and kerb streets roads and highways :

PART V
—cont.

Provided that nothing in this section shall apply to land acquired by the Corporation under section 38 (Compulsory acquisition of land for development) or section 40 (Acquisition of land by agreement for development) of the Town and Country Planning Act 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections.

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

51.—(1) The Corporation may purchase or take on lease houses and other buildings for persons employed by them as technical officers in their architect's engineer's or town planning departments and may erect provide maintain and let any such houses and buildings upon any lands for the time being belonging to the Corporation and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation.

Houses for persons in employment of Corporation.

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

PART VI

WEIGHING MACHINES

52. The Corporation may in any premises belonging to them provide and maintain weighing machines for ascertaining the weight of persons and may charge for the use thereof.

Corporation may provide weighing machines.

53.—(1) In this section the expression "personal weighing machine" means any weighing machine in the borough which is used or exposed for use or proposed to be used or exposed for use for the purpose of ascertaining the weight of any person and—

As to personal weighing machines.

(a) for the use of which a charge is made or is proposed to be made ; or

(b) which is kept or is proposed to be kept in any premises or place to which the public have access.

(2) The Corporation may make byelaws—

(a) generally with respect to the examination on verification and to the inspection of personal weighing machines and the distinguishing marks to be affixed to personal weighing machines under this section and the circumstances and conditions in and under which such marks may be affixed or cancelled ;

PART VI
—cont.

- (b) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines ;
- (c) for fixing the limits of error to be allowed on verification and inspection of any personal weighing machine ;
- (d) for fixing the fees to be paid to the Corporation for the examination and marking of personal weighing machines submitted for verification or for the examination of such personal weighing machines as are found to be incorrect or defective.

(3) On and after the expiration of a period of twelve months from the coming into force of any byelaws made under subsection (2) of this section the owner or the person in charge of any personal weighing machine which is used or exposed for use and which is false or unjust beyond the limits allowed by any such byelaws as aforesaid shall be liable to a penalty not exceeding two pounds or in the case of a second or any subsequent offence five pounds.

(4) On and after the expiration of the said period a personal weighing machine shall not be used or exposed for use unless such machine has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector or unless it has been stamped by an inspector of weights and measures in pursuance of the Weights and Measures Acts 1878 to 1936 and such stamp has not been cancelled and on or after the expiration of the said period the owner or the person in charge of any personal weighing machine which is used or exposed for use and which is not so stamped or marked shall be liable to a penalty not exceeding two pounds or in the case of a second or any subsequent offence five pounds.

(5) If any person forges or counterfeits or removes any such stamp or distinguishing mark as is referred to in the last preceding subsection or unlawfully stamps or marks a machine with any such stamp or distinguishing mark or knowingly exposes for use any personal weighing machine from which any such stamp or mark has been so removed or on which there is any such forged or counterfeit stamp or mark he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(6) (a) Any inspector of weights and measures of the Corporation may at all reasonable times examine and inspect any personal weighing machine which is used or exposed for use and may seize and detain any personal weighing machine which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section and may for such purposes

enter any premises or place where there is reason to believe that there is a personal weighing machine which he is authorised to examine and inspect.

PART VI
—cont.

(b) Any person who neglects or refuses to produce for such examination and inspection any such personal weighing machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine or inspect the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or subsequent offence ten pounds.

(7) For the purpose of this section a personal weighing machine shall not be deemed to be stamped by reason of its bearing a cancelled stamp.

(8) The provisions of subsections (5) (6) and (7) of this section shall come into operation on but not until the date on which any byelaws made under subsection (2) of this section shall come into force and the Corporation shall forthwith after the confirmation of any such byelaws give public notice of the provisions of this section by advertisement in a local newspaper circulating within the borough. No evidence shall be required in any proceedings that the provisions of this subsection as to public notice have been complied with.

54. Any person keeping or who acts as a keeper of a weighing machine available for the use of the public for the purpose of ascertaining the weight of any vehicle or the loading thereof (hereinafter in this Part of this Act called a "weighing machine") who shall—

Offences by
weighing
machine
keepers and
others.

- (a) during ordinary business hours (which expression for the purposes of this section means from eight o'clock in the morning till six o'clock in the afternoon on week-days other than Saturday and from eight o'clock in the morning till half-past twelve in the afternoon on Saturdays) wilfully neglect on application duly to weigh any vehicle with or without loading that shall come to the machine kept by him to be weighed;
- (b) not fairly weigh any such vehicle with or without loading;
- (c) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading;
- (d) give to the driver of any such vehicle a false ticket or account of the weight of such vehicle or the loading thereof;
- (e) weigh any vehicle knowing that anything has been added to the loading thereof so as to increase the weight of the same or that the wheels thereof have been changed

PART VI
—cont.

between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein ; or

- (f) knowingly assist in or connive at any fraud committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively ;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding six months :

Provided that paragraphs (a) and (b) of this section shall not impose upon the Corporation or upon any railway canal or inland navigation undertakers an obligation to weigh any vehicle.

Drivers of
vehicles to
take them
to weighing
machines on
request.

55.—(1) The driver of any vehicle loaded with any goods (excepting coal coke as defined in Part VII (Sale of coke wood fuel &c.) of this Act or wood fuel) to be sold by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf the same shall be consigned or of any of their respective agents or of an inspector of weights and measures or other officer appointed for the purpose by the Corporation take such vehicle with or without the loading thereof to be weighed by any weighing machine stamped by an inspector of weights and measures.

(2) If such vehicle shall be required to go a greater distance from the regular course of the road by which it would be otherwise necessary to pass than one mile the owner of such vehicle shall be paid sixpence for every half-mile that such vehicle shall be taken out of the direct road as aforesaid.

(3) All charges for carriage made under subsection (2) of this section together with the tolls or fees to be paid for weighing any such vehicle shall be paid by the person requiring the same to be weighed and such charges for carriage shall if demanded be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid (if demanded) take such vehicle to such weighing machine as hereinbefore is directed or shall refuse to assist in the weighing of the same in such manner as the drivers of vehicles are used and accustomed to do shall be liable to a penalty not exceeding five pounds.

(5) For the purposes of this section the word "driver" includes the owner driver or person in charge of any vehicle.

56. Any person who in regard to the weighing of any vehicle at any weighing machine or any instrument stamped by an inspector of weights and measures—

PART VI
—cont.

Penalties
on persons
committing
frauds.

- (a) at or before the time of weighing any such vehicle shall place or knowingly leave any matter or thing in or about the same other than the proper loading thereof ;
- (b) shall alter any ticket denoting the weight of any such vehicle or of the loading of the same ;
- (c) shall make or use or be privy to the making or using of any false or fraudulent ticket or knowingly tender a false statement to a weighing machine keeper respecting the weight of any such vehicle or the loading thereof ;
- (d) after the weighing of such vehicle with the loading of the same shall remove any part of such loading and afterwards dispose or attempt to dispose of the residue of such loading as being the full loading denoted by such ticket ;
- (e) after such vehicle and the loading thereof shall have been so weighed shall substitute or attempt to substitute any vehicle with or without the loading thereof or shall change the wheels of the vehicle which shall have been so weighed or make any alteration or do any other act to such vehicle before the same shall be brought back to the machine to be again weighed without the loading thereof ;
- (f) when any such vehicle shall have been weighed with the loading thereof at any such machine as aforesaid if required shall refuse to bring back the same without alteration to be weighed without the loading at the same machine ; or
- (g) shall be guilty of any other fraudulent contrivance touching the weight of any such vehicle or of the loading thereof ;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding six months.

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

Further
offences in
relation to
weighing
machines.

PART VI
—cont.

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

Power to
erect weigh-
bridges.

58.—(1) The Corporation may erect and maintain on any open space or public place on or adjoining any highway in the borough such weighbridges or weighing machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

(2) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing machines erected by the Corporation under the provisions of this section.

(4) The Corporation shall not exercise the powers of this section in such a manner as to obstruct or interfere with the access to or exit from any station wharf or depot of any railway canal or inland navigation undertakers.

PART VII

SALE OF COKE WOOD FUEL &C.

Definition of
coke.

59. In this Part of this Act the expression "coke" includes coke and any solid fuel derived from coal or of which coal or coke is a constituent.

Application
of Weights
and Measures
Act 1889.

52 & 53 Vict.
c. 21.

60. The provisions of sections 20 to 29 of the Weights and Measures Act 1889 and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the borough and those provisions (except section 28 (Power to make byelaws with respect to the sale of coal) and the byelaws made thereunder) shall apply to the sale within the borough of wood fuel in quantities not less than fourteen pounds.

Byelaws
relating to
wood fuel.

61. The Corporation may make byelaws—

- (1) regulating the sale of wood fuel in quantities not less than fourteen pounds but not exceeding two hundred-weights ;
- (2) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Corporation to be carried with any vehicle in which wood fuel is carried for sale or delivery to a purchaser ; and

(3) prescribing the distance beyond which wood fuel is not to be required to be carried for the purpose of being weighed or re-weighed in pursuance of section 27 (Power to require weighment of coal or vehicle) of the Weights and Measures Act 1889 as applied by this Act.

PART VII
—cont.

62. If any seller of coke or wood fuel or any person in charge of any vehicle from which coke or wood fuel is being sold delivered or offered or exposed for sale wilfully makes any false statement as to the weight of the coke or wood fuel or any part thereof or wilfully increases such weight by damping such coke or wood fuel or wilfully does any other act by which the purchaser may be defrauded such seller or person in charge shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Penalty on
fraudulent
sale.

63. Proviso (a) to section 27 of the Weights and Measures Act 1889 in its application to the borough shall be read and have effect as if in that proviso the words "two miles" were substituted for the words "half a mile".

Amendment
of section 27
of Weights
and Measures
Act 1889 in
its application
to borough.

64. The Corporation shall forthwith after the passing of this Act cause public notice to be given of the effect of this Part of this Act by advertisement in two or more newspapers circulating in the borough and otherwise in such manner as the Corporation think sufficient.

Notice of
this Part
of Act.

No evidence shall be required in any proceedings that the provisions of this section have been complied with.

PART VIII

ESTABLISHMENTS FOR MASSAGE OR SPECIAL TREATMENT

65. In this Part of this Act the expression "establishment for massage or special treatment" means any premises in the borough used or represented as being or intended to be used for the reception or treatment of persons requiring—

Definition of
establishment
for massage
or special
treatment.

(a) massage or chiropody; or

(b) electric treatment or radiant heat light electric vapour or other baths for therapeutic treatment; or

(c) other similar treatment.

66. As from the commencement of this Part of this Act no person shall carry on an establishment for massage or special treatment without a licence from the Corporation authorising him so to do.

Establishments
for massage
or special
treatment to
be licensed.

PART VIII
—cont.
Applications
for licences.

67.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Corporation and shall in the application state—

- (a) his full name;
- (b) his age and nationality;
- (c) his technical qualifications;
- (d) his private address or if the application be made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the directors or other persons directly or indirectly responsible for the management of such company society association or body;
- (e) the name under which and the address at which the establishment is carried on or proposed to be carried on;
- (f) the nature of the establishment and of the business carried on or proposed to be carried on thereat;
- (g) whether and if so to what extent he is or has been interested in any other establishment for massage or special treatment; and
- (h) such further information (if any) as the Corporation may reasonably require with respect to him or the establishment carried on or proposed to be carried on by him.

(2) The person making an application under this section shall when making the same pay to the Corporation such fee as the Corporation may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant of a licence	2	2	0
(b) in respect of an application for the renewal of a licence	1	1	0

and the fees paid on any application for the grant or renewal of a licence may be retained by the Corporation whether such licence is or is not granted or renewed.

(3) An applicant for a licence or renewal of a licence under this section shall give not less than fourteen days' notice in writing of his intention to make such application to the Corporation.

(4) Subject to the foregoing provisions of this section the Corporation may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

PART VIII
—cont.

Any notice served under this subsection shall state the objections to renewal or the grounds on which revocation is proposed and shall notify the aforesaid opportunity of being heard and also the effect of subsection (2) of this section and the right of appeal conferred by section 137 (As to appeals) of this Act and the time within which such appeal may be brought.

(4) Every licence granted or renewed as aforesaid shall (unless revoked) be valid until the date of the next annual meeting fixed for the purpose of considering applications under this Part of this Act and no longer.

Byelaws as to
establishments
for massage
or special
treatment.

69.—(1) The Corporation may make byelaws—

- (a) prescribing the keeping by every person holding a licence under this Part of this Act of books cards or forms showing the business conducted by him so far as it relates to his establishment for massage or special treatment ;
- (b) prescribing the entries to be made in connection with such business in such books or cards or forms ;
- (c) prescribing the technical qualifications to be possessed by any person who administers massage or special treatment at any establishment licensed under this Part of this Act ;
- (d) for preventing fraud and immorality in the conduct of establishments so licensed ; and
- (e) generally for regulating any premises used for the purposes of or in connection with any such establishment.

(2) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the Corporation) in the premises to which the licence relates a copy of the byelaws made under this section.

Powers of
entry and
inspection.

70. Any officer or other person duly authorised by the Corporation in that behalf may—

- (a) enter the premises specified in any licence or application under this Part of this Act or any premises which are used or there is reason to believe are used for the purposes of or in connection with an establishment for massage or special treatment ; and
- (b) inspect such premises and the books cards or forms kept in connection with the establishment carried on at those premises.

Penalties for
offences in
respect of
establishments
for massage
&c.

71.—(1) Every person who after the commencement of this Part of this Act carries on an establishment for massage or special treatment without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such licence or obtains a licence or the renewal of a licence by

wilful misrepresentation or by wilfully omitting to give such particulars as are required by this Part of this Act to be given shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of a second or subsequent offence the court may in lieu of or in addition to inflicting a fine impose any term of imprisonment not exceeding three months.

(2) Every person who—

- (a) contravenes the provisions of any byelaw made under this Part of this Act ; or
- (b) issues publishes or displays or causes to be issued published or displayed any advertisement relating to an establishment for massage or special treatment which is not licensed in accordance with the provisions of this Part of this Act after the expiration of a period of seven days from the receipt of notice from the Corporation that the licence relating to such establishment has expired or has been refused or revoked under the provisions of this Part of this Act ; or
- (c) contravenes the provisions of subsection (2) of section 69 (Byelaws as to establishments for massage or special treatment) of this Act ;

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(3) In respect of any conviction for an offence under this Part of this Act the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

72. Subject as hereinafter provided the provisions of this Part of this Act shall not apply to an establishment for massage or special treatment carried on by a registered medical practitioner with respect to which there has been lodged with the Corporation a certificate in a form to be approved by the Corporation and signed by two registered medical practitioners practising or residing in the borough not being in partnership with such first-mentioned medical practitioner or with each other and not having any financial or other interest in such establishment to the effect that the medical practitioner carrying on or proposing to carry on such establishment is a suitable person to carry on the same at the premises used or to be used therefor: Saving for establishments.

Provided that any such certificate shall not be valid—

- (a) with respect to any person or premises other than the person or premises specified therein ; or
- (b) for a period extending beyond the expiration of one month after the date of the annual meeting fixed for the purpose of considering applications under this Part of this Act.

PART VIII

—cont.

Saving for
members of
Chartered
Society of
Physio-
therapy.

73.—(1) Subject as hereinafter provided the provisions of this Part of this Act prohibiting a person from carrying on an establishment for massage or special treatment without a licence from the Corporation authorising him so to do shall not apply to a registered member of the Chartered Society of Physiotherapy carrying on or proposing to carry on any such establishment with respect to which there has been lodged with the Corporation a certificate in a form to be approved by the Corporation and signed by two registered medical practitioners practising or residing in the borough not being in partnership with each other and not having any financial or other interest in such establishment to the effect that the person carrying on or proposing to carry on such establishment is a suitable person to carry on the same at the premises used or to be used therefor:

Provided that any such certificate shall not be valid—

- (a) with respect to any person or premises other than the person or premises specified therein; or
- (b) for a period extending beyond the expiration of one month after the date of the annual meeting fixed for the purpose of considering applications under this Part of this Act.

(2) Any registered member of the said society carrying on an establishment for massage or special treatment with respect to which a valid certificate is deposited with the Corporation under subsection (1) of this section is in this section referred to as a “registered member”.

(3) During the validity of any such certificate the provisions of this Part of this Act (other than section 66 (Establishments for massage or special treatment to be licensed) section 67 (Applications for licences) and section 68 (Grant of licences)) shall apply to a registered member and to the establishment carried on by him—

- (a) as if he held a licence under this Part of this Act; and
- (b) as if the premises with respect to which the certificate has been given were the premises specified in the licence:

Provided that no person other than the medical officer or a registered medical practitioner shall be entitled for the purposes of this Part of this Act to inspect the premises at which the establishment is carried on or the books cards or forms kept in connection with such establishment:

(4) The provisions of this section shall apply to a registered member and to the establishment carried on by him so long only as he complies with the provisions of the charter granted to the said society and with the byelaws made thereunder.

74. Notwithstanding anything in this Part of this Act the provisions thereof shall not except as provided by the next succeeding section apply to—

PART VIII
—cont.

Saving for
certain
premises.

- (1) any hospital provided by the Minister ; or
- (2) any nursing home which is for the time being registered under the Act of 1936 or exempted from registration under that Act by a certificate granted by either the Corporation or the Minister and at which the persons administering massage or special treatment have such technical qualifications as may be reasonably necessary ; or
- (3) any premises used for the reception or treatment of persons for any purpose to which the provisions of this Part of this Act apply but not so used for the purpose of gain or reward ; or
- (4) any premises being an establishment for massage or special treatment merely by reason of face or scalp massage being administered in those premises.

75. In any case in which the Corporation have reason to believe that any premises (including premises referred to in the foregoing section of this Act) situate in the borough and to which premises the provisions or some of the provisions of this Part of this Act do not apply are advertised as being used for some legitimate business but are in fact being used for immoral purposes the Corporation may subject to the approval of the Secretary of State by resolution determine that all or any of the provisions of this Part of this Act and of any byelaws made thereunder shall extend and apply to such premises and the business carried on therein as if such premises and business were included in the expression " establishment for massage or special treatment " within the meaning of this Part of this Act and as from the passing of any such resolution as aforesaid or as from such date (if any) as may be specified therein all or any of the provisions of this Part of this Act and any such byelaws as aforesaid shall extend and apply accordingly.

Extension of
this Part of
Act to other
premises and
businesses.

PART IX

WINDOW CLEANERS

76. As from the commencement of this Part of this Act no person shall within the borough—

Window
cleaners to
be licensed.

- (1) carry on the trade of window cleaner ; or
 - (2) perform the duties of window cleaning while employed by a person carrying on the trade of window cleaner ;
- without a licence from the Corporation authorising him so to do.

PART IX
—cont.

Applications
for and pro-
visions as to
licences.

77.—(1) An application for a licence under this Part of this Act—

- (a) shall be made in writing to the Corporation ;
- (b) shall be made by or on behalf of the person requiring the licence ;
- (c) may be made by such person on behalf of any person employed by him or proposed to be employed by him as aforesaid ;
- (d) shall be in such form as the Corporation shall from time to time require ;
- (e) shall be signed by the applicant ; and
- (f) shall contain such information as the Corporation may reasonably require with respect to the applicant and every person employed by him as aforesaid.

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

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

Grant of
licences.

78.—(1) The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on the trade of window cleaner or (as the case may be) to perform the duties of window cleaning :

Provided that the Corporation may refuse to grant or renew a licence or may revoke a licence granted to any person who on grounds of character may in their opinion be unsuitable to hold such licence.

(2) It shall be a condition of a licence under this Part of this Act to carry on the trade of window cleaner that the holder of the licence shall effect and during the term of the licence keep on foot an insurance with a responsible insurance company against any liability that may be incurred by him in respect of any damage arising directly or indirectly out of the carrying on by him of the said trade.

(3) If the Corporation refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(4) Where an application is made for the renewal of a licence and objections have been taken to such renewal or when it is proposed to revoke a licence notice in writing to that effect shall at least seven days before the question of renewal or revocation is considered be given to the applicant or holder of the licence and if within three days after the receipt of this notice the applicant or holder requires to be heard the application shall not be refused or the licence revoked unless the Corporation has afforded him an opportunity of being heard before the council against the refusal or revocation.

Any notice served under this subsection shall state the objections to renewal or the grounds on which revocation is proposed and shall notify the aforesaid opportunity of being heard and also the effect of subsection (2) of this section and the right of appeal conferred by section 137 (As to appeals) of this Act and the time within which such appeal may be brought.

79. After the commencement of this Part of this Act—

(a) any person who carries on the trade of window cleaner ;
and

(b) anyone employed by such person who performs the duties of window cleaning ;

Penalties
under this
Part of Act.

without a licence under this Part of this Act or otherwise than in accordance with the conditions of such a licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give any particulars which are required to be given shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound and upon a conviction for an offence under this Part of this Act the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

PART X

ENTERTAINMENTS &C.

80.—(1) The Corporation may from time to time make byelaws—

Byelaws as to
pleasure fairs
&c.

(a) for regulating the hours during which—

(i) pleasure fairs and any place kept or used for public roller-skating or ice-skating may be open to the public ;

(ii) any dancing club premises may be used for dancing ;

(b) for securing safe and adequate means of ingress to and egress from any pleasure fair or any place kept or used for public roller-skating or ice-skating or any dancing club premises ;

PART X
—cont.

(c) for the prevention and suppression of nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair or any place kept or used for public roller-skating or ice-skating or any dancing club premises.

(2) In this section—

the expression “pleasure fair” means any place of entertainment for admission to which or for the use of the contrivances in which a charge is made and where the entertainment comprises any or all of the following whether or not in combination with any other forms of entertainment that is to say any circus exhibition of human beings or performing animals merry-go-round roundabout switchback railway cocoanut shy hoop-la shooting gallery swings dodgems or other mechanical driving or riding devices automatic or other machines intended for entertainment or amusement and anything similar to any of the foregoing:

Provided that the expression “pleasure fair” does not include any place where—

(a) any fair is held by statute royal charter royal licence letters patent or ancient custom; or

(b) the entertainment is not run for profit and is not carried on for more than seven consecutive days; or

(c) the entertainment although run for profit is for a charitable purpose and the profits are devoted to that purpose;

the expression “dancing club premises” means a room or rooms occupied by a club whose sole or main object is dancing and which is or are used by such club wholly or mainly for the purposes of dancing not being premises in respect of which a licence for public dancing has been granted under section 267 (Places for dancing music and other public entertainments) of the Act of 1871 and is for the time being in force.

(3) Before making any byelaws under this section the Corporation shall give to the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain not less than one month's notice of the intention of the Corporation to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said associations and guild thereon before they submit them to the Secretary of State for confirmation.

81.—(1) If any person after the commencement of this section uses any premises wholly or mainly—

(a) for the business of providing any entertainments to which this section applies ; or

(b) for carrying on a dancing club ;

without being registered in respect of such premises he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) An application for registration under this section shall be made in writing to the Corporation by or on behalf of the person (hereinafter in this section referred to as “the proprietor”) carrying on or proposing to carry on the business of providing entertainments to which this section applies or (as the case may be) carrying on or proposing to carry on a dancing club and every such application shall state—

(a) the address or situation of the premises to which the application relates ;

(b) the full name and address of the proprietor and if the proprietor is a company or firm or other body the registered or principal office of such company firm or body ;

(c) the periods (if any) in the twelve months preceding the commencement of this section during which the premises were being used wholly or mainly for the purpose of providing entertainments or (as the case may be) wholly or mainly for the purpose of a dancing club ;

(d) the extent to which it is proposed to use the premises for the purpose of providing entertainments and the general nature of the entertainments proposed to be provided at the premises or (as the case may be) the extent to which it is proposed to use the premises for the purpose of a dancing club ;

(e) the nature of the interest of the proprietor in the premises ;

and where the proprietor is a prospective purchaser lessee or licensee of the premises shall be accompanied by a statement in writing signed by the person who proposes to sell lease or license the premises to the proprietor to the effect that the application is being made with his knowledge and consent.

(3) Subject as hereinafter provided the Corporation shall as soon as practicable and not later than two months after the receipt of an application under this section register the proprietor in respect of the premises to which the application relates :

PART X
—cont.

Provided that (except where the premises were used wholly or mainly for the purpose of providing entertainments or (as the case may be) for the purpose of a dancing club during a continuous period of not less than eight weeks in the twelve months immediately preceding the commencement of this section) the Corporation may refuse to register the proprietor in respect of the premises if—

- (a) the Corporation are of opinion that the premises cannot be made to conform to the requirements of any byelaws made under paragraph (b) or paragraph (c) of subsection (1) of section 80 (Byelaws as to pleasure fairs &c.) of this Act ; or
- (b) there are circumstances connected with the proprietor which in the opinion of the Corporation render it undesirable that he should be registered in respect of the premises.

(4) If—

- (a) since the date of the registration circumstances connected with the proprietor have arisen which render it undesirable in the opinion of the Corporation that the proprietor should continue to be registered in respect of all or any of the premises in respect of which he is registered under this section ; or
- (b) since the said date circumstances connected with the management by the proprietor of any premises in respect of which he is registered as aforesaid have arisen which render it undesirable in the opinion of the Corporation that he should continue to be registered in respect of the premises in relation to which such circumstances have arisen as aforesaid ; or
- (c) the entertainments provided or (as the case may be) the conduct of the dancing club at any premises in respect of which the proprietor is registered under this section have offended against public decency ; or
- (d) any premises in respect of which the proprietor is registered as aforesaid do not conform to the requirements of any byelaws made under paragraph (b) or paragraph (c) of subsection (1) of section 80 (Byelaws as to pleasure fairs &c.) of this Act ;

the Corporation may cancel the registration of the proprietor in respect of such premises :

Provided that the Corporation shall not on the grounds mentioned in the foregoing paragraph (d) of this subsection cancel the registration of the proprietor in respect of any premises—

- (i) (in the case of any premises which have been used for the purpose of providing entertainments or (as the case may

be) for the purpose of a dancing club during a continuous period of not less than eight weeks in the twelve months immediately preceding the commencement of this section) until the expiration of a period of three years from the twenty-seventh day of November nineteen hundred and forty-eight ; and

- (ii) (in any case) unless the proprietor has had a reasonable opportunity to make the premises conform to the requirements of any such byelaws as are referred to in that paragraph.

(5) The Corporation shall not refuse to grant an application for registration under this section and shall not cancel any such registration until they have given the proprietor an opportunity of appearing before and of being heard by a committee of the council and if so required by him shall within seven days of their decision give to him a statement of the grounds on which it was based.

(6) The entertainments to which this section applies are entertainments for admission to which or for the use of which a charge is made and which comprise any or all of the following whether or not in combination with any other forms of entertainment that is to say any circus exhibition of human beings or performing animals merry-go-round roundabout switchback railway roller-skating rink ice-skating rink cocoanut shy hoop-la shooting gallery swings dodgems or other mechanical driving or riding devices automatic or other machines intended for entertainment or amusement and anything similar to any of the foregoing but this section shall not apply to any—

- (a) entertainment provided at a fair held by statute royal charter royal licence letters patent, or ancient custom ;
or
- (b) entertainment provided in premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under the said Act are complied with ; or
- (c) entertainment provided in premises licensed under the Cinematograph Act 1909 if and so long as the conditions attached to the licence under the said Act are complied with ; or
- (d) entertainment provided at any travelling circus or travelling fair of a temporary character ; or
- (e) entertainment which is not run for profit and is not carried on for more than seven consecutive days.

PART X
—cont.

(7) In this section—

the expression “dancing club” means a club (carried on as a business) whose sole or main object is dancing and in respect of which any fee payment or charge is made for admission either to the club or to or in respect of any premises used by such club solely or mainly for the purpose of dancing not being premises in respect of which a licence for public dancing has been granted under section 267 (Places for dancing music and other public entertainments) of the Act of 1871 and is for the time being in force ;

the expression “premises” in relation to the provision of entertainments includes any part of a building which is structurally divided from the remainder of the building and land on which buildings have not been erected ;

the expression “premises” in relation to a dancing club includes a room or rooms.

Places used for boxing or wrestling entertainments to be licensed.

82.—(1) As from the commencement of this section the provisions of section 267 (Places for dancing music and other public entertainments) of the Act of 1871 shall extend to any place kept or used for any boxing or wrestling entertainment as though such entertainment were of the like kind with public dancing and music.

(2) For the purposes of this section “boxing or wrestling entertainment” means any public contest or display of boxing or wrestling except such as may be provided or given—

(a) by travelling showmen at pleasure fairs ;

(b) in premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under the said Act are complied with as though such contest or display were a stage play ;

(c) by bona fide associations clubs hospitals or societies which are not carried on for profit ;

(d) by members of the Boy Scouts Association or of any organisation formed by the Boy Scouts Association in pursuance of their charter ; or

(e) by any school.

Dispensation by Corporation with bonds by theatre managers.

83.—(1) As from the commencement of this section except in any case in which the Corporation otherwise require so much of section 7 (To whom licences shall be granted) of the Theatres Act 1843 as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in

penal sums for the purposes mentioned in the said section shall cease to have effect as respects licences granted by the Corporation under that Act.

PART X
—cont.

(2) (a) If the licensee of a theatre licensed by the Corporation under the Theatres Act 1843 uses it or allows it to be used in contravention of the provisions of that Act or any rules made by the Corporation thereunder or of the terms conditions or restrictions upon or subject to which the licence was granted he shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds.

(b) Upon a conviction under this subsection the licence granted in respect of the theatre may be revoked by the Corporation.

PART XI

FINANCE RATING SUPERANNUATION &C.

84.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 to borrow without the consent of any sanctioning authority the sum requisite for the payment of the costs charges and expenses of this Act and they shall repay any sum 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 (Borrowing) of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed under this section for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX.

85. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

As to exercise of borrowing powers.
8 & 9 Geo. 6.
c. 18.

86.—(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 "Huddersfield 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.

(2) Where the Corporation raise money by the issue of bonds sections 209 to 214 of the Act of 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.

PART XI
—cont.

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

62 & 63 Vict.
c. 9.

7 Edw. 7. c. 13.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 (Duty on loan capital) of the Finance Act 1899 as amended by section 10 (Reduction of duty on loan capital issued for the purpose of the conversion or consolidation of existing capital) of the Finance Act 1907.

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.

Consolidated
loans fund.

87.—(1) Notwithstanding anything contained in any enactment on and after the thirty-first day of March nineteen hundred and fifty 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 all moneys borrowed without or pending the issue of an authorised security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are to be applied by the Corporation with due authority to another capital purpose; and
- (c) the appropriate sums provided in each financial 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 the transfer of the required amount to the appropriate fund or account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways or intended 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 section.

PART XI
—cont.

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

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve depreciation contingency superannuation insurance capital renewal repairs or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required for the purposes for which the lending fund was established 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 lending 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 to the lending fund 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 shall (subject to any prescribed limit on the amount of the lending fund) 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) The powers conferred by this section shall not be exercised by the Corporation except in accordance with a scheme to be made by the Corporation and approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

PART XI
—cont.

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

Scheme for
equated
periods.

88.—(1) The Corporation may at any time 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 Act of 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.

(2) Any scheme made by the Corporation under this section shall have no 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 or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock or bonds 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 section may be extended amended or annulled by schemes prepared and confirmed in like manner as the original scheme.

Capital fund.

89.—(1) The Corporation may (if they think fit) establish a fund to be called "the capital fund" to which they may pay—

(a) any sums derived from the sale of any property of the Corporation ;

(b) the surplus of the revenue income over the revenue expenditure of the general rate fund (not required by law to be applied to or carried forward for any other purpose) on the thirty-first day of March in any year ;
and

- (c) such other sums from the revenue of the general rate fund (including a sum equal to the interest earned on the capital fund and any income arising from the application of that fund to the purposes authorised) as the council may by resolution direct not being moneys directed by law to be applied to any other purpose:

Provided that—

- (i) the aggregate amount paid to the capital fund under paragraphs (b) and (c) of this subsection (in addition to the sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) shall not except with the consent of and to such extent as may be approved by the Minister exceed in any year the equivalent of twice the product of a penny rate as ascertained or estimated for the purpose of section 9 (Provisions as to precepts) of the Rating and Valuation Act 1925; and 15 & 16 Geo. 5.
c. 90.
- (ii) payments into the capital fund shall not be made whenever that fund amounts to one hundred thousand pounds or such greater sum as may from time to time be approved by the Minister.

(2) The Corporation may apply the moneys in the capital fund in defraying any expenditure to which capital is properly applicable (other than expenditure in connection with an undertaking from which revenue is derived) or in providing money for repayment of loans (but not in making the annual payment required to be made therefor):

Provided that the amount to be expended under this subsection shall not exceed the sum of ten thousand pounds in any one transaction unless a greater sum shall in any case be allowed by the Minister.

(3) (a) Pending the application of moneys in the capital fund to the purposes authorised by the last preceding subsection the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment of the moneys in the capital fund in the manner provided by the foregoing paragraph 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.

(4) All moneys derived from the sale of any land of the Corporation which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied from the capital fund may if the Corporation think fit

PART XI
—cont.

be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation.

(5) Any sum derived from the sale of any corporate land of the Corporation as defined in section 305 (Definitions) of the Act of 1933 and paid to the capital fund shall not except with the consent of the Minister be applied otherwise than in the purchase or acquisition of other corporate land.

(6) Nothing in this section shall affect the operation of paragraphs (a) (b) or (c) of subsection (1) of section 8 (Use by local authorities of moneys forming part of capital funds) of the Local Authorities Loans Act 1945 in any case in which the moneys in the capital fund are used in pursuance of that section.

(7) When the Corporation establish a capital fund under this section section 80 (Capital reserve fund) of the Act of 1937 shall cease to have effect and any moneys standing to the credit of the capital reserve fund established under that section shall be carried to and form part of the capital fund established under this section.

Renewal and
repairs fund.

90.—(1) The Corporation may (if they think fit) establish a fund (to be called "the renewal and repairs fund") for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant tools machinery appliances vehicles boilers and equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things and may from time to time apply the moneys of the fund in defraying such expenditure but this section shall not apply to expenditure in connection with any buildings works plant appliances or things for the purposes of any of the Corporation undertakings in respect of which they have provided a reserve fund or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

(2) The Corporation may from time to time pay into the renewal and repairs fund such sums as they think fit from the revenue of the general rate fund (including a sum equal to the interest earned on the renewal and repairs fund and any income arising from the application of that fund to the purposes authorised) but the maximum amount standing to the credit of the renewal and repairs fund shall not except with the approval of the Minister at any time exceed seventy-five thousand pounds.

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

(b) Any income arising from the investment of the moneys in the renewal and repairs fund in the manner provided by 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.

(4) When the Corporation establish a fund under this section section 81 (Renewal and repairs fund) of the Act of 1937 shall cease to have effect and any moneys standing to the credit of the renewal and repairs fund established under that section shall be carried to and form part of the fund established under this section.

91.—(1) The Corporation may (if they think fit) establish a fund to be called “the art fund” to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in the municipal art gallery and museum or other building of the Corporation and such fund shall be formed by paying thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-fifth of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 (Provisions as to precepts) of the Rating and Valuation Act 1925 or such greater fraction (not exceeding one-half) of the product of a penny rate as may be approved by the Minister: Art fund.

Provided that when the art fund shall amount to the sum of ten thousand pounds the Corporation shall discontinue such annual payments but if the said fund is at any time reduced below the sum of ten thousand pounds the Corporation may recommence and continue the annual payments until the said fund be restored to the sum of ten thousand pounds.

(2) (a) Pending the application of the art fund to the purposes authorised by this section the moneys in the said fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by the proviso to subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

92.—(1) If on the death of an employee (which expression in this section includes a former employee or pensioner of the Corporation or other person) to whom or to whose representative a sum not exceeding one hundred pounds is due Payments due to deceased employees.

PART XI
—cont.

from the Corporation on account of salary wages superannuation allowance pension gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest a grant of probate of the will of the employee or of letters of administration to his estate is not produced to the Corporation within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay such sum to the person or persons entitled to the residuary estate of the employee by virtue of the provisions of paragraphs (i) to (vi) inclusive of subsection (1) of section 46 (Succession to real and personal estate on intestacy) of the Administration of Estates Act 1925 and section 9 (Right of illegitimate child and mother of illegitimate child to succeed on intestacy of the other) of the Legitimacy Act 1926 to the intent that such sum shall be applied in due course of administration:

Provided that—

(a) the Corporation may (notwithstanding the receipt of a notice under proviso (b) to this subsection) if they think fit pay out of such sum the funeral expenses of the deceased employee or so much thereof as the Corporation consider reasonable having regard to any death grant which has been or is to be paid under section 22 (Death grant) of the National Insurance Act 1946 ;

(b) if the Corporation receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of section 46 (1) (vi) of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

(2) Before paying any sum in accordance with the provisions of subsection (1) of this section (except under proviso (a) thereof) to any person other than the personal representative of the deceased employee the Corporation shall require either—

(a) a statutory declaration (or when payment is made to the Crown or to the duchy of Lancaster or to the duchy of Cornwall a statement) by the person or one of the persons to whom the Corporation may pay or propose to pay such sum or any part thereof to the effect that

the total estate of the deceased employee (including such sum but after deduction of debts and funeral expenses) does not exceed four hundred pounds; or

(b) the production of a certificate from the Commissioners of Inland Revenue to the effect either that no death duties are payable in respect of such sum or that any duties so payable have been paid.

(3) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercising their powers under this section.

93.—(1) If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate or any water rent or charge which may be due from him to the Corporation and intends to evade payment of the same the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim and to detain them until the complaint is determined upon the return of the summons. Recovery of rates from persons removing.

(2) Section 357 (Recovery of rates from persons removing) of the Act of 1871 and section 122 (Recovery of gas and water rents) of the Huddersfield Waterworks and Improvement Act 1876 are hereby repealed. 39 & 40 Vict. c. c.

94.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions in and subject to which rates are recoverable from occupiers of rated hereditaments. Recovery of rates from certain owners.

The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditaments to which subsection (1) of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 applies by virtue of a resolution of the council.

PART XI
—cont.Power to
pension
employees.

95.—(1) The Corporation if they think fit may make or pay to any contributory employee who—

- (a) shall have attained the age of fifty years ; and
- (b) shall have completed ten years' service with the Corporation ; and
- (c) shall lose his office or employment by reason of a reduction of staff or the abolition of his office without becoming entitled to a superannuation allowance under the provisions of the Local Government Superannuation Act 1937 or to compensation in respect of such loss of office or employment ;

an annual retiring allowance of such amount (not exceeding a sum equivalent to (a) one-sixtieth of the average amount of his salary or wages during the five years which immediately preceded the day on which the contributory employee ceased to hold his office or employment multiplied by the number of years of his service or (b) forty-sixtieths of such average amount whichever shall be the less) and on such terms and conditions as the Corporation may think fit but any contributory employee to whom any such retiring allowance may be so made or paid shall thereupon relinquish any claim to any repayment of contributions or any other benefit from the superannuation fund :

Provided that—

- (a) where a person in receipt of an annual retiring allowance under the provisions of this section is appointed to any office or employment by the Corporation or by any authority where his salary or wages are paid directly or indirectly out of any rate or rates or out of any public moneys such allowance shall cease to be paid so long as he continues to hold such office or employment if the salary or wages thereof are equal to or in excess of the amount of such allowance and if such salary or wages are less than the amount of such allowance then only so much of such allowance shall be paid (so long as he holds such office or employment) as will make up the deficiency ; and
- (b) any such person on ceasing to hold such office or employment shall be entitled to revert to and to receive the full amount of his original retiring allowance.

(2) Any retiring allowance made or paid by the Corporation under the provisions of this section shall be made or paid out of the fund or funds out of which the salary or wages of such contributory employee was or were paid at the date of his retirement.

96.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 the Corporation may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

Payment of
pension &c. of
person of
unsound mind.
53 & 54 Vict.
c. 5.

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of the wife or husband or relations of such person.

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Corporation shall give to the Master in Lunacy notice of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice to that person in a form approved by the Master in Lunacy:

Provided that the Corporation may with the approval of the Master in Lunacy exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the Master in Lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said power in relation to any person the said power shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the master withdraws the notice.

PART XI
—cont.

(6) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercise of the said power.

Gratuities
to servants.

97. The Corporation may and shall be deemed always to have had the power to grant to any of their servants who has ceased to be employed by them before the first day of December nineteen hundred and forty-eight a gratuity by way of periodical payments not exceeding in any year one-half of the annual emoluments of the employment:

Provided that the Corporation shall not under the powers of this section grant a gratuity to any servant who is entitled to a superannuation allowance under the Local Government Superannuation Act 1937.

Power to grant
allowances or
gratuities in
certain cases.

98.—(1) The Corporation may if they think fit grant by way either of a lump sum or of periodical payments to the widow or dependants of any employee who may die in their service a gratuity not exceeding in the aggregate an amount equal to twice the amount of the annual emoluments of the employment:

Provided that this section shall not apply—

(a) in the case of a widow to whom a pension is granted in pursuance of section 9 (Allocation of part of superannuation benefits to wife or husband) of the Local Government Superannuation Act 1937 or of section 74 (Annuities for widows) of the Act of 1937 as modified and adapted by the scheme made by the council on the twentieth day of May nineteen hundred and thirty-eight under section 25 (Adaptation to this Act of certain provisions of local Acts and of provisions of certain schemes) of the Local Government Superannuation Act 1937; or

(b) in the case of a widow or dependant entitled in consequence of the death of such employee to compensation under the Workmen's Compensation Acts 1925 to 1943 or to death benefit under the National Insurance (Industrial Injuries) Act 1946.

9 & 10 Geo. 6.
c. 62.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such employee would have been charged or been paid if he had continued in his employment.

PART XII

MISCELLANEOUS

Extension of
period for
completion of
waterworks.

99. The period limited by section 29 (Period for completion of waterworks) of the Act of 1937 as extended by the Huddersfield (Extension of Time) (No. 2) Order 1946 is hereby further extended until the thirty-first day of December nineteen hundred and fifty-nine.

100. The Corporation may—

PART XII

—cont.

Establishment
of golf courses.

(1) upon any lands already acquired by them and used for the purpose of a golf course or acquired or appropriated after the passing of this Act for that purpose form construct alter maintain regulate manage and use golf courses with all proper and convenient houses pavilions works buildings equipment apparatus and conveniences ;

(2) make charges for the use of any of their golf courses or of any part thereof and of any houses pavilions works buildings equipment apparatus or conveniences provided in connection therewith ;

(3) permit the use by any club or other body or persons of any of their golf courses lands houses pavilions works buildings equipment apparatus or conveniences aforesaid subject to such charges and conditions as the Corporation may think fit ;

(4) let on lease or otherwise to any club company body or persons any of their golf courses or any part thereof and the lands houses pavilions works buildings equipment apparatus and conveniences as aforesaid for such consideration and upon such terms and conditions as the Corporation may think fit ;

(5) (a) provide and sell and may enter into any agreement or arrangement with any person for the provision and sale at any such golf course or in any such house pavilion or building as aforesaid of refreshments of all kinds subject to the provisions of all enactments relating thereto and may also upon such terms and conditions and for such periods as they may think fit grant to any person the right so to provide and sell refreshments ;

(b) by themselves or any person appointed by them in that behalf apply for and hold licences for the sale of intoxicating liquors or of tobacco for the purposes of this subsection ;

(6) make and enforce byelaws for regulating the use of their golf courses whether within or without the borough and the conduct of persons using the same or resorting thereto ;

(7) employ officers and servants in connection with and for the purposes of the powers aforesaid.

101. The Corporation may erect construct provide maintain furnish equip regulate and manage medicated and other baths (including baths the efficient properties of which are due to Medicated and other baths.

PART XII
—cont.

agencies other than water but excluding baths for use for therapeutic purposes) and they may demand and take reasonable charges for the use thereof.

Collection and
delivery of
washing.

102.—(1) The Corporation may collect and may carry to or from any washhouse provided by them clothes and other articles intended to be washed or which have been washed at such washhouse and when exercising the powers of this section shall make charges for the collection and carriage of such clothes and other articles:

Provided that the charges to be made under this section shall be such as will produce a revenue sufficient to meet all expenditure incurred by the Corporation under this section.

23 & 24 Geo. 5.
c. 53.

(2) Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under the Road and Rail Traffic Act 1933 in respect of any goods vehicle to which that Act applies.

For preventing
obstruction to
streams by
culverts &c.

103.—(1) Where any obstruction is or may be caused to any river or stream by any inadequate or insufficient culvert channel or other work the Corporation may within the borough reconstruct improve repair or remove such culvert channel or work or may construct and maintain a proper and sufficient or enlarged culvert channel or other work.

(2) The Corporation and any other local authority or person may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction improvement repair maintenance or removal for the purposes of this section.

(3) Nothing in this section shall be deemed to—

(a) restrict the exercise by the Corporation of their powers in relation to culverts channels or other works; or

(b) impose upon the Corporation any liability to maintain a culvert channel or other work.

(4) Nothing in this section shall authorise the Corporation to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

Cleansing of
rivers and
streams.

104.—(1) If any river or stream or any part thereof within the borough is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the Corporation

may by notice require the owner or occupier of any lands abutting on any part of such river or stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such river or stream is obstructed or impeded to cleanse or put in proper order such river or stream or part thereof so as to allow the proper flow of water in such river or stream and in the event of any person to whom any such notice is lawfully given by the Corporation neglecting to comply with the requirements of such notice within one month from the service on him of such notice the Corporation may if they think fit carry out the work required by the notice and recover the expense thereof from the person in default.

(2) Nothing in this section shall authorise the Corporation to execute or require the commission to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

105.—(1) Any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter any premises at all reasonable hours for the purpose of—

Entry for purposes of last two preceding sections.

- (a) inspecting any river or stream or any culvert channel or other work ;
- (b) ascertaining whether or not circumstances exist which would authorise or require the Corporation to take any action or execute any work under the last two preceding sections ;
- (c) taking any action or executing any work authorised or required by the last two preceding sections to be taken or executed by the Corporation :

Provided that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) The provisions of this section shall not authorise any officer of the Corporation to enter any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

PART XIII

—cont.

Provision of meals and refreshments in lodging-houses.
26 Geo. 5 & 1 Edw. 8. c. 51.

106. Section 72 (Mode of provision of accommodation) of the Housing Act 1936 shall in its application to the borough have effect as if the words "and may subject to the provisions of all enactments relating thereto provide meals and refreshments (excluding intoxicating liquor) at reasonable prices to persons occupying accommodation therein" were added at the end of subsection (2) thereof:

Provided that the prices charged for such meals and refreshments shall subject to the said provisions be so fixed as to cover the expenses incurred by the Corporation in the provision thereof and to secure that so far as reasonably practicable no charge in respect of such meals or refreshments shall fall on the general rate fund or the general rate.

Power to supply ice.

10 & 11 Geo. 5. c. cxlv.

107. The powers conferred upon the Corporation by section 43 (Provision of ice-making machinery and cold air stores) of the Huddersfield Corporation (General Powers) Act 1920 shall include the power to sell and supply ice.

Acquisition of certain residuals &c. and disposal thereof.

108.—(1) The Corporation may acquire and convert utilise treat or otherwise make merchantable any condemned meat and by-products not required by persons whose business is that of manufacturing working up processing producing selling or offering for sale by-products which may at any time be in any slaughter-house or abattoir in the borough.

(2) Any condemned meat or by-product acquired or made merchantable under the powers of this section may be sold or otherwise disposed of by the Corporation.

(3) For the purposes of this section "by-products" means and includes any material arising from any part of an animal after slaughter and whether in its natural state or after treatment.

Sale of products of sewage disposal.

109.—(1) The powers conferred upon the Corporation by section 158 (Disposition of sewage) of the Act of 1871 are hereby extended so as to authorise the Corporation to—

(a) make or produce;

(b) convert utilise treat or otherwise make merchantable;
and

(c) sell;

any product matter or thing (including sludge gas and any residual product of sludge gas) arising directly or indirectly in or out of the process of the treatment or disposal of sewage or any residual thereof at any of the Corporation's sewage disposal works.

(2) In this section the expression "sewage" includes any substance which passes through a sewer to the Corporation's sewage disposal works.

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

PART XII
—cont.

110. The Corporation may expend on the provision of prizes in connection with any competition they may hold relating to their tenants' gardens such sums as they may from time to time think fit not exceeding in any one year the sum of two hundred and fifty pounds. As to prizes for garden competitions.

111. The Corporation may let on hire plants flowers and other floral decorations and may make such charges therefor as they may think fit. As to hire of floral decorations.

112.—(1) The Corporation during and for the purpose of the execution of any works forming part of or intended to form part of the water undertaking or the heating undertaking may temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land house or building in the street from passing along and using the same. Temporary stoppage of streets.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such land house or building.

(3) Before exercising the powers of this section with respect to any street outside the borough the Corporation shall give not less than fourteen days' notice in writing to the highway authority having jurisdiction over such street and make such arrangements with the highway authority as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street during the execution of any works.

(4) The Corporation shall not exercise the powers of this section in such manner as to obstruct or interfere with the reasonable access to or exit from any station wharf or depot of the commission.

(5) The Corporation shall not exercise the powers of this section on a trunk road except with the consent of the Minister of Transport.

113.—(1) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports or illuminations or on emergencies to cause barricades to be erected across or along any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding two pounds. As to barriers in streets.

PART XII
—cont.

(2) For the purpose of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient but the Corporation shall not exercise the powers of this subsection in a trunk road except with the consent of the Minister of Transport.

(3) The Corporation shall not exercise the powers of this section in such manner as unreasonably to obstruct or interfere with the access to or exit from any station wharf or depot of any railway canal or inland navigation undertakers.

Interference
with telephone
call boxes &c.

114.—(1) Any person who shall wilfully or negligently obstruct or interfere with the convenient access to any police telephone call box or police shelter or box or who shall remove or efface any plate or mark indicating the position of such call box shelter or box or any fire hydrant shall be liable to a penalty not exceeding five pounds and the Corporation may recover the expenses of replacement and making good from such person.

(2) Any person who shall knowingly and improperly use or cause to be used by means of any false or malicious statement message or otherwise any police telephone call box or (for the purposes of requiring the services of the police or an ambulance) any telephone call box of the Post Office telephone service shall for every such offence be liable to a penalty not exceeding five pounds.

Silencers for
internal
combustion
engines.

115.—(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.

(2) An authorised officer of the Corporation shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any silencer used on the exhaust of a stationary internal combustion engine 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 such officer shall not enter upon any land belonging to the commission and used for the purposes of their railway except after reasonable notice has been given to the commission by the Corporation in that behalf and in exercising the powers of this subsection upon such land he shall comply with such reasonable requirements of the commission as may be necessary for the purposes of safety and for preventing interference with railway traffic.

(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 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 two pounds.

PART XII
—cont.

116. The provisions of the Town Police Clauses Act 1847 and of section 278 (Power to make byelaws as to hackney carriages and porters carts and drivers) of the Act of 1871 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only:

Provisions as to motor vehicles let for hire.
10 & 11 Vict. c. 89.

Provided that this section shall not apply to any such vehicle which is kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a public service vehicle as defined in the Road Traffic Acts 1930 to 1947 or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

117.—(1) No person shall for the purpose of advertising any entertainment or meeting or any trade or business or any part of a trade or business operate or cause or suffer to be operated any loudspeaker when such loudspeaker is in any street.

Restrictions on use of loudspeakers in streets.

(2) No person shall operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street unless he shall have given notice to the chief constable so as to be received by him at least forty-eight hours before such loudspeaker is operated.

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

(4) This section shall not apply to the use of a loudspeaker in connection with a parliamentary or local government election or by the Corporation or the police in the execution of their duty or in case of emergency.

PART XII
—cont.

(5) This section shall not apply to the use of a loudspeaker by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission.

(6) For the purposes of this section a loudspeaker shall not be deemed to be in use in connection with (a) a parliamentary election if it is used at any time other than on or between the date of the issue of the writ of election and the date of the declaration of the result of the election or (b) a local government election if it is used at any time other than on or between the day appointed for giving notice of the election and the day on which a candidate is deemed to be elected or as the case may be the date on which a candidate is declared to be elected.

(7) In this section the expression "loudspeaker" includes an amplifier or similar instrument.

As to dealers
in precious
metals.

118.—(1) In and for the purposes of—

(a) Part XIX (Dealers in marine stores &c.) of the Act of 1871; and

(b) section 9 (Purchase of old metals from persons under sixteen) of the Children and Young Persons Act 1933 in its application to the borough;

23 & 24 Geo. 5.
c. 12.

the expression "old metals" or "old metal" shall as from the commencement of this section be deemed to include old gold silver or other precious metal (being either scrap broken or defaced) or the whole or part of any secondhand watch jewellery or other like article or commodity.

35 & 36 Vict.
c. 93.

(2) Nothing in this section shall apply to or affect the carrying on of the business of a pawnbroker for the time being holding a licence under the Pawnbrokers Act 1872.

Amendment of
section 274 of
Act of 1871.

119. Section 274 (Penalty on persons carrying on business without licence) of the Act of 1871 shall have effect as if instead of the words "carries on while unlicensed the business of such a dealer as aforesaid" there were inserted the words "carries on the business of such a dealer as aforesaid without a licence from the Corporation authorising him so to do or at a place of business other than the place specified in such licence".

False
statements to
obtain rent
rebate &c.

120. As from the commencement of this section if any person for the purpose of obtaining for himself or any other person a rebate in the rent of any house belonging to the Corporation or a reduction in the amount of any other payment due to the Corporation—

(a) knowingly makes to the Corporation or any of their employees a false statement or false representation relating to his or that other person's ability to pay the rent or make the payment; or

- (b) produces or furnishes or knowingly allows to be produced or furnished to the Corporation or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular ;

he shall be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such penalty and imprisonment.

121.—(1) Any agreement entered into between the Corporation and the parent or guardian of a pupil at any secondary school may make provision for the payment by such parent or guardian to the Corporation of any sum not exceeding ten pounds in the event of the pupil ceasing without reasonable cause to attend such school before the date fixed by such agreement for the pupil to cease such attendance and the Corporation shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend such school to recover from such parent or guardian any sum not exceeding the sum specified in the agreement which the court may think fit to award in all the circumstances of the case. School agreements.

(2) For the purposes of this section the expression “secondary school” includes—

- (a) a secondary school as defined by section 114 (Interpretation) of the Education Act 1944 ; and
- (b) a school in respect of which grants are paid by the Minister of Education under regulations made in pursuance of paragraph (b) of subsection (1) of section 100 (Grants in aid of educational services) of that Act and in which secondary education as defined by section 8 (Duty of local education authorities to secure provision of primary and secondary schools) of the said Act is provided.

122.—(1) The Corporation may in connection with the maintenance of any cemetery provided or maintained by them under the Public Health Acts or any burial ground provided or maintained by them under the Burial Acts 1852 to 1906 alter repair straighten or maintain any tombstone or monument and put in order and maintain any grave space therein. As to maintenance of cemeteries &c.

(2) Before the Corporation exercise any of the powers of this section they shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the borough notice of their intention so to do together with a statement of the works to be carried out and such notice shall also state that any person desiring to object to the carrying out of any such works shall give notice to the Corporation of his objection and the grounds thereof within the date stated

PART XII
—cont.

in the notice which date shall not be earlier than ten days after the last publication of the notice. If any notice of objection shall be so given to the Corporation and not withdrawn the works to which the objection relates shall not be carried out without the consent of the Secretary of State.

Undertakings
to bind
successive
owners.

123.—(1) Every undertaking or agreement under seal expressed to be given or made in pursuance of this section and being—

- (a) an undertaking given by or to the Corporation to or by the owner of any legal estate in land or property ;
or
- (b) an agreement between the Corporation and any such owner ;

on the passing of plans or otherwise in connection with such land or property shall be binding upon such owner and his successors in title and all persons claiming through or under him or them and upon the Corporation and such owner and other persons upon whom such undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

(2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) Any such undertaking or agreement shall not be binding upon any person in whom any other legal estate in such land or property is vested at the date thereof nor upon his successors in title unless such person joins in such undertaking or agreement.

Service of
demand notes.

124.—(1) The provisions of section 59 (Service of notices &c.) 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.

(2) Section 90 (Service of demand notes) of the Act of 1937 is hereby repealed.

PART XIII

GENERAL

Apportion-
ment of
expenses in
case of joint
owners.

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

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

PART XIII
—cont.

126. Where in pursuance of any enactment the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of such terms or conditions shall as regards liability to a penalty and other consequences be deemed equivalent to the execution of the works or the doing of the act or thing without the required consent.

Breach of
conditions of
consent of
Corporation.

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

In executing
works for
owner
Corporation
liable for
negligence
only.

128.—(1) Where under any provision of this Act any authorised officer of the Corporation is empowered to enter any premises then if it is shown to the satisfaction of a justice of the peace on sworn information in writing—

As to entry
of premises.

(a) that admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and

(b) that there is reasonable ground for entry into the premises for any such purpose as is mentioned in such provision;

the justice may by warrant under his hand authorise the Corporation by any authorised officer to enter the premises if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises

PART XIII
—cont.

are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(2) An authorised officer entering any premises by virtue of this Act or of a warrant issued under this section may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(3) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(4) If any person who in compliance with the provisions of this Act or of a warrant issued under this section is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Liability of
directors &c.
11 & 12 Geo. 6.
c. 38.

129.—(1) Where any company within the meaning of the Companies Act 1948 commits any offence for which a penalty is provided by the sections and Parts of this Act hereinafter mentioned proceedings may be taken in respect of such offence against every person who at the time of the commission of the offence was a director manager secretary or other officer of such company or was purporting to act in such capacity as well as or instead of against the company and every such person shall be liable on conviction to the like penalty as if he were the person committing the offence unless he proves to the satisfaction of the court—

- (a) that the offence was committed without his consent or connivance; and
- (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

(2) The sections and Parts of this Act referred to in this section are—

- Section 46 (Registration of hairdressers and barbers and their premises);
- Section 81 (Registration of entertainment proprietors);
- Part VIII (Establishments for massage or special treatment); and
- Part IX (Window cleaners).

130. As respects byelaws made under this Act the confirming authority for the purposes of section 250 (Procedure &c. for making byelaws) of the Act of 1933 shall be—

PART XIII
—cont.

As to byelaws.

(a) in the case of byelaws made under the following sections of this Act:—

Section 69 (Byelaws as to establishments for massage or special treatment);

Section 80 (Byelaws as to pleasure fairs &c.);

Section 100 (Establishment of golf courses);

the Secretary of State;

(b) in the case of byelaws made under section 53 (As to personal weighing machines) or section 61 (Byelaws relating to wood fuel) of this Act the Board of Trade; and

(c) in all other cases the Minister.

131. Section 298 (Restriction on right to prosecute) of the Act of 1936 shall apply to offences created by or under Part III (Streets buildings and sewers) and Part IV (Sanitary &c.) of this Act as if they were offences created by or under that Act.

Restriction on
right to
prosecute.

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

Damages and
charges to be
settled by
court.

133. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute 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 arbitration.

Application of
Arbitration
Acts.

134. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 (Compensation to individuals for damage resulting from exercise of powers under Act) of the Act of 1936.

Compensation
how to be
determined.

PART XIII

—cont.

Inquiries by
Ministers.

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

Commence-
ment of certain
provisions of
this Act.

136.—(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 council of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers 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 following sections of this Act (namely):—

Section 45 (Registration of hawkers of food and their premises);

Section 46 (Registration of hairdressers and barbers and their premises);

Section 81 (Registration of entertainment proprietors);

Section 82 (Places used for boxing or wrestling entertainments to be licensed);

Section 83 (Dispensation by Corporation with bonds by theatre managers);

Section 118 (As to dealers in precious metals);

Section 120 (False statements to obtain rent rebate &c.);

and to Part VIII (Establishments for massage or special treatment) and Part IX (Window cleaners) of this Act.

(4) As respects any of the said provisions which requires 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 comes into operation—

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

(b) has 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 section 137 (As to appeals) of this Act.

PART XIII
—cont.

137.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part III (Streets buildings and sewers) Part IV (Sanitary &c.) Part VIII (Establishments for massage or special treatment) or Part IX (Window cleaners) of this Act or section 81 (Registration of entertainment proprietors) or section 104 (Cleansing of rivers and streams) 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.

(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 a committee of the council 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 except where otherwise expressly provided 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;

PART XIII
—cont.

(b) the Corporation shall not execute such work or take such action; and

(c) subject to the proviso to subsection (2) of section 33 (Restriction on erection of stands &c.) of this Act 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.

Application of
provisions of
Act of 1936.

138. The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

- Section 271 (Interpretation of "provide");
- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 276 (Power of local authority to sell certain materials);
- Section 277 (Power of councils to require information as to ownership of premises);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 286 (Proof of resolutions &c.);
- Section 287 (Power to enter premises);
- Section 288 (Penalty for obstructing execution of Act);
- Section 289 (Power to require occupier to permit works to be executed by owner);
- Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);
- Section 292 (Power to make a charge in respect of establishment expenses);
- Section 293 (Recovery of expenses &c.);
- Section 294 (Limitation of liability of certain owners);
- Section 295 (Power of local authority to grant charging orders);

- Section 296 (Summary proceedings for offences) ;
 Section 297 (Continuing offences and penalties) ;
 Section 299 (Inclusion of several sums in one complaint
&c.) ;
 Section 304 (Judges and justices not to be disqualified by
liability to rates) ;
 Section 328 (Powers of Act to be cumulative) ;
 Section 329 (Saving for certain provisions of the Land
Charges Act 1925) :

PART XIII
—cont.

Provided that—

- (a) the said sections 277 287 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part III (Streets buildings and sewers) and Part IV (Sanitary &c.) of this Act ;
 (b) the said section 293 shall not apply to the provisions contained in Part II (Heating undertaking) of this Act or in the following sections of this Act (namely):—
 Section 107 (Power to supply ice) ;
 Section 108 (Acquisition of certain residuals &c. and disposal thereof) ;
 Section 109 (Sale of products of sewage disposal) ;
 and
 Section 111 (As to hire of floral decorations).

139. For the further protection of the electricity board and the gas board (each of whom is in this section referred to as “the board”) the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

For further protection of electricity and gas boards.

(1) In this section “apparatus” means—

- (a) as regards the electricity board all or any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the board ;
 (b) as regards the gas board any mains pipes or other apparatus belonging to the gas board :

(2) (a) Whenever pursuant to any agreement entered into under the powers of section 28 (Adjustment of boundaries of streets) of this Act the Corporation propose to give or convey to any person any land forming part of a street in over or under which land any apparatus is laid or placed the Corporation shall give to the board not less than twenty-eight days’ notice of their proposal accompanied by a plan showing the

PART XIII
—cont.

position and dimensions of the portion of the street proposed to be given or conveyed and notwithstanding any agreement entered into or grant or conveyance executed by the Corporation under that section the board their engineers and workmen shall have and may exercise the same powers rights and privileges with respect to such apparatus as if the land in over or under which the apparatus is laid or placed had continued to be part of the street or the board may at their option (and if reasonably so required by the Corporation or the owner of the land shall) alter the position of the apparatus to such other position in over or under the footway or carriageway of the street as altered under the said powers as may be reasonable ;

(b) The board within fourteen days after the receipt of a notice from the Corporation pursuant to paragraph (a) of this subsection shall give to the Corporation not less than fourteen days' notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the Corporation) and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section be not disapproved by the Corporation within fourteen days from the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable :

- (3) The Corporation shall not in the exercise of the powers conferred upon them by section 29 (Removal of obstructions in Glebe Street) of this Act alter damage or otherwise interfere with any apparatus situate in under or over the part of Glebe Street referred to in that section :
- (4) Nothing in section 30 (Prohibition of persons vehicles &c. on grass margins) of this Act shall affect the rights of the board with respect to any apparatus in under upon over along or across any area to which that section relates :
- (5) The Corporation shall not exercise the powers of section 58 (Power to erect weighbridges) and section 113 (As to barriers in streets) of this Act so as to cause damage to or obstruct or render less convenient the access to any apparatus :
- (6) Where the Corporation under the powers of section 112 (Temporary stoppage of streets) of this Act stop up temporarily any street in under or over which any apparatus is situate they shall provide reasonable

facilities of access for the officers servants and workmen of the board for the purpose of enabling them to inspect maintain repair or renew any such apparatus or to lay or place new apparatus :

(7) The Corporation shall repay to the board the reasonable expenses incurred by the board of or in connection with—

(a) the alteration of the position of any apparatus under the provisions of subsection (2) of this section ;

(b) the making good of any damage to any apparatus caused by or resulting from any act omission or default of the Corporation their officers servants or workmen in the exercise of the powers of Part III (Streets buildings and sewers) of this Act ;

and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus ; and

(ii) any other work or thing ;
rendered reasonably necessary in consequence of any such operations as are referred to in the said subsection (2) :

(8) (a) Any question or dispute which may arise between the Corporation and the board under this section (other than a question or dispute as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration ;

(b) In settling any question or dispute under this section the arbitrator shall have regard to any duties or obligations which the board may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

140. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act. Saving for town and country planning.

141. 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. Costs of Act.

The SCHEDULE referred to in the foregoing Act

PROVISIONS AS TO 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 seven years as the Corporation may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine:

Provided that bonds shall not be issued at a lower price than par except with the consent of the Minister.

(b) 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.

(c) 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 revenue of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

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

4.—(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.

5.—(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 issue 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.

Date.....

COUNTY BOROUGH OF HUDDERSFIELD

HUDDERSFIELD CORPORATION BONDS

..... per centum Huddersfield Corporation bond repayable at par on the 19..... at the

This is to certify that..... of is the registered holder of a Corporation bond for..... pounds (£.....) issued by the mayor aldermen and burgesses of the borough of Huddersfield under the Huddersfield Corporation Act 1949 at.....

The corporate seal of the mayor aldermen and burgesses of the borough of Huddersfield was hereunto affixed in the presence of

6. 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.

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

FORM OF DEED OF TRANSFER

HUDDERSFIELD CORPORATION BONDS

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 subject to the conditions aforesaid.

As witness our hands and seals this.....day of..... nineteen hundred and.....

(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 Huddersfield 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.

8. The Corporation may close the register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September respectively in any year and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

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.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

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.

12. The production to the Corporation of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Corporation as sufficient evidence of the grant.

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