



CHAPTER xv.

An Act to confer further powers on the mayor aldermen and burgesses of the borough of Bilston in regard to their water undertaking to make further and better provision for the improvement health and local government of the borough and for other purposes.

[6th August 1942.]

WHEREAS the borough of Bilston (in this Act referred to as "the borough") is a borough under the government of the mayor aldermen and burgesses of the borough of Bilston (in this Act referred to as "the Corporation") :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their water undertaking :

And whereas it is expedient that further and better provision should be made for the health good government and improvement of the borough and that the powers of the Corporation in regard thereto should be enlarged as in this Act provided :

And whereas it is expedient that the provisions in regard to the finances of the Corporation which are contained in this Act should be made :

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

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

For the provision of new water mains and other waterworks purposes	£12,000
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And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years as by this Act provided :

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

23 & 24 Geo. 5. c. 51. And whereas in relation to the promotion of the bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed :

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Bilston Corporation Act 1942.

Division of Act into Parts.

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

Part I—Preliminary.

Part II—Waterworks.

Part III—Lands.

Part IV—Supply pipes and communication pipes.

Part V—Water supply.

Part VI—Streets and buildings.

Part VII—Sewers drains &c.

Part VIII—Infectious disease and sanitary provisions.

Part IX—Human food.

Part X—Financial.

Part XI—Miscellaneous.

Incorporation of Waterworks Clauses Acts.

10 & 11 Vict. c. 17.
26 Geo. 5. &
1 Edw. 8. c. 49.
26 & 27 Vict. c. 93.

3.—(1) The provisions of the Waterworks Clauses Act 1847 which are incorporated with the Public Health Act 1936 by section 120 of the last named Act (but subject to the provisos in the said section contained) sections 12 and 14 of the Waterworks Clauses Act 1847 and the provisions of the Waterworks Clauses Act 1863 (except section 15 thereof) are hereby incorporated with this Act.

56 & 57 Vict. c. clxxi.

59 & 60 Vict. c. ccxxxix.

(2) The provisions referred to in subsection (1) of this section shall be incorporated with the Bilston Commissioners (Water) Act 1893 and the Bilston Improvement Act 1896 in lieu of the provisions of the Waterworks Clauses Act 1847 and the Waterworks Clauses Act 1863 referred to in section 2 (Incorporation of General Acts) of the Bilston Commissioners (Water) Act 1893 and section 3 (Incorporation of Acts) of the Bilston Improvement Act 1896.

4. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (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.
Incorporation
of Lands
Clauses Acts.
8 & 9 Vict.
c. 18.

5.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

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

“the borough” means the borough of Bilston;

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

“the council” means the council of the borough;

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

9 & 10 Geo. 5.
c. 57.

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

41 & 42 Vict.
c. 76.

“the limits of supply” means the limits within which the Corporation are for the time being authorised to supply water;

“the water undertaking” means the water undertaking of the Corporation for the time being authorised;

“the surveyor” “the medical officer” and “the sanitary inspector” mean respectively the surveyor the medical officer of health and any sanitary inspector of the borough;

“the Minister” means the Minister of Health;

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

38 & 39 Vict.
c. 55.

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

“child” means a person under the age of sixteen years;

“food” has the meaning assigned to it by section 100 of the Food and Drugs Act 1938;

1 & 2 Geo. 6.
c. 56.

“daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;

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

PART I.
—cont.38 & 39 Vict.
c. 83.

“statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 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 ;

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

“the revenues of the Corporation” means revenues as defined by section 218 of the Local Government Act 1933.

PART II.

WATERWORKS.

Power to lay
connecting
mains.

6. For the purpose of conveying water from one part of the limits of supply to another part thereof the Corporation may exercise as regards any street or road outside the limits of supply the powers conferred upon them by the Public Health Act 1936 with respect to the breaking up of streets for the purpose of laying pipes as if such street or road were within the limits of supply but nothing in this section shall authorise the Corporation to supply water beyond such limits :

Provided that the Corporation shall not exercise the powers of this section in relation to a street in the borough of Wolverhampton without the consent in writing of the mayor aldermen

and burgesses of the borough of Wolverhampton which consent shall not be unreasonably withheld and shall be deemed to have been given if the said mayor aldermen and burgesses shall fail to signify their consent or dissent within twenty-one days after it shall have been applied for Any question whether or not any such consent is unreasonably withheld shall be determined by arbitration.

PART II.
—cont.

7. The provisions of the Public Health Act 1936 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any street (whether within or beyond the limits of supply) of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down for the purposes of the water undertaking :

Application of
Public Health
Act 1936.

Provided that the Corporation shall not construct lay down erect or maintain any discharge pipes telephone or telegraph posts wires conductors or apparatus in the borough of Wolverhampton without the consent in writing of the mayor aldermen and burgesses of the borough of Wolverhampton or in through across or under any street road or bridge or approach belonging to or maintainable by any railway company or canal company without the consent in writing of such company which respective consents shall not be unreasonably withheld and shall be deemed to have been given if such mayor aldermen and burgesses or such company shall fail to signify their consent or dissent within twenty-one days after consent shall have been applied for Any question as to whether or not any such consent is unreasonably withheld shall be determined by arbitration.

8.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands in or over which any waters which the Corporation are for the time being authorised to collect take use divert or appropriate arise or flow and may hold such lands so long as they shall deem it necessary or expedient for those purposes :

Power for
protection of
waters and
waterworks.

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

(2) The Corporation may in and upon any lands so acquired by them construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of purifying intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing

PART II.
—cont.

the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within any area in or through which any waters which may be taken by the Corporation arise or flow subject and according to the provisions of the Public Health Act 1936 with respect to the breaking up of streets for the purpose of laying pipes.

Byelaws for
preventing
pollution of
water.

9.—(1) The Corporation may make byelaws for preventing the pollution fouling or contamination of the waters which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the area defined in the byelaws being the whole or part of the areas in or through which the said waters arise or flow.

(3) In addition to complying with the requirements of section 250 of the Local Government Act 1933 the Corporation shall—

- (a) send at least one month before the application is made a copy of the byelaws to the council of every county the local authority of every district and the catchment board of every catchment area any part of which is within the area defined in the byelaws ;
- (b) publish in the London Gazette at least one month before the application is made notice of their intention to apply for confirmation ;
- (c) exhibit during the said month in some conspicuous place in each borough urban district and rural parish any part of which is within the said area a copy of the notice referred to in subsection (3) of section 250 of the Local Government Act 1933 ;
- (d) at the request of any owner or occupier of land within the said area furnish to him free of charge a copy of the byelaws and a statement of the effect of this section and at the request of any other person interested furnish to him a copy of the byelaws on payment of such sum not exceeding one shilling for every copy as the Corporation may determine.

Paragraph (d) of this subsection shall have effect in lieu of subsection (5) of section 250 of the Local Government Act 1933.

In this subsection the expression "month" means a period of twenty-eight days exclusive of any day in the month of August.

(4) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local authority of the district in which such lands are situate and such compensation shall be settled in default of agreement by arbitration.

(5) Nothing in this section shall limit prejudice or affect any rights powers and privileges which the landowner (as defined in section 2 of the Dudley Sewage Act 1879) may be entitled to exercise for the purpose of or in order to carry out the provisions of the said Act and the agreement scheduled thereto.

10.—(1) The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

(2) For the purposes of this section the lands shown on the deposited plans for the purposes of the Bilston Commissioners (Water) Act 1893 as being within the limits of deviation for the purposes of Work No. 1 authorised by section 7 (Power to make waterworks) of that Act shall be deemed to be specified in an Act of Parliament.

11.—(1) (a) It shall not be lawful without the express authority of Parliament for the owner or occupier of any land which is situate within one mile and one half from the centre of the protected works to construct on any part of such land any new well or other work (or to enlarge any existing well or other work) for taking or intercepting underground water except with the consent in writing of the Corporation unless the water to be abstracted from such well or other work is required by such owner or occupier solely for domestic or agricultural purposes on premises belonging to or occupied by him or for the purpose of supplying solely for domestic purposes or for the purposes which are referred to in paragraph (i) of the definition of "agricultural purposes" which is contained in subsection (3) of this section the premises of any neighbouring owner or occupier to whom a supply is being afforded for those purposes by such first-mentioned owner or occupier at the passing of this Act nor except with the like consent to abstract or permit the abstraction for any purpose other than domestic or agricultural purposes of any water obtainable from any such new well or other work or from the enlargement of any such existing well or other work. In giving any such consent the Corporation may attach thereto such conditions as they may think fit.

PART II:
—cont.

42 & 43 Vict.
c. c.

Limiting
powers of
Corporation
to abstract
water.

For protection
of Corpora-
tion's wells.

PART II.
—cont.

(b) Any such owner or occupier who is aggrieved by any refusal of the Corporation to give such consent as aforesaid or by any conditions attached by the Corporation to any such consent may within fourteen days after the refusal of such consent or the notification of such conditions (as the case may be) appeal to the Minister and on any such appeal the Minister may by order after considering any representations made by the Corporation either confirm the refusal to give such consent or the attachment of conditions thereto or may direct the Corporation to give such consent subject to such conditions (if any) as the Minister may specify and the Corporation shall comply with any such direction.

(2) Any such owner or occupier to whom such consent shall have been refused (or to whom a consent shall have been given but subject to conditions which he is unwilling to accept) may by notice in writing require the Corporation to supply to him such quantity of water (if any) as he may require for use on such land for purposes other than domestic or agricultural purposes and subject to the provisions of this section the Corporation shall supply such owner or occupier with such quantity of water and shall construct any works necessary for conveying the water to the land of such owner or occupier :

Provided that—

(a) the Corporation shall not be obliged to commence or continue to give such supply to any owner or occupier if such supply or the rate at which the same is taken or required to be given would be likely to interfere with the sufficiency of the supply by the Corporation of water for domestic purposes within the limits of supply but before permanently cutting off any such supply on the ground that it would be likely to interfere with the supply by the Corporation of water for domestic purposes within the limits of supply the Corporation shall give to the owner or occupier to whom the supply is being afforded not less than one year's notice of their intention so to do and shall repay to such owner or occupier—

(i) any sum deposited with the Corporation by way of security in pursuance of proviso (e) to this subsection less any sum which may be owing by such owner or occupier to the Corporation ;

(ii) such portion (if any) of any sum recovered by the Corporation in pursuance of proviso (d) to this subsection as may be agreed between the Corporation and such owner or occupier or (failing agreement) determined by arbitration to be fair in all the circumstances ;

- (b) the Corporation shall not be obliged to commence to give such supply to any owner or occupier if the said supply or the rate at which the same is required to be given would be likely to interfere with the sufficiency of any supply of water for other than domestic purposes which was being given by the Corporation at the date of the notice in writing given by such owner or occupier;
- (c) the Corporation shall not be obliged to give such supply to any owner or occupier if the quantity of water required to be so supplied would exceed the available yield of the protected works as then constructed by the Corporation ;
- (d) the cost incurred by the Corporation in and in connection with the construction of any works necessary for conveying the water to the land of any owner or occupier shall—
- (i) (if the internal diameter of the main or pipe does not exceed three inches) be borne by the Corporation ; and
 - (ii) (if such internal diameter exceeds three inches) be repaid to the Corporation by such owner or occupier and before commencing the construction of any such works the Corporation may require such owner or occupier to give to the Corporation security for the payment to them of the amount of such cost ;
- (e) any owner or occupier supplied with water by the Corporation under the provisions of this section shall pay such price as failing agreement may be determined by arbitration for each thousand gallons so required which the Corporation are under an obligation to supply and whether or not the same be actually taken by such owner or occupier and shall be subject to such terms and conditions in regard to such supply as failing agreement may be determined as aforesaid including terms as to the security to be given to the Corporation for the payment to them of all money which may become due and as to the period during which such owner or occupier shall be bound to take or pay for the supply ;
- (f) the price to be determined as aforesaid shall be such as shall be sufficient to provide in each year of the supply a sum which will so far as can be estimated meet such proportion of the amounts hereinafter in this proviso mentioned as the quantity required to be supplied bears to the available yield of the protected works as then constructed by the Corporation ;

The amounts hereinbefore referred to are—

- (i) the amount of the expenses of and in connection with the working management and maintenance of the protected works and of any other works used for the

PART II,
—cont.

- treatment or storage of water supplied from the protected works or for conveying the water to the land of the owner or occupier and all other costs charges and expenses properly chargeable to revenue in respect of the protected works and other works as aforesaid ; and
- (ii) the amount required to give a reasonable return on the money expended in and in connection with the construction of the protected works and other works as aforesaid and the protection thereof and of the water which can or may be intercepted and taken by means thereof against pollution nuisance encroachment or injury and the ensuring of the purity of the said water ;
- (g) for the purpose of giving any supply under the provisions of this section the Corporation may supply water beyond the limits of supply and carry out all such works within or beyond those limits as may be necessary and the provisions of the Public Health Act 1936 with respect to the breaking up of streets for the purpose of laying pipes shall subject to any necessary modification apply in relation to the laying down and placing of pipes and other works for affording any supply under the provisions of this section ;
- (h) except as otherwise expressly provided by this section any question arising under this section between the Corporation and any owner or occupier shall be determined by arbitration ;
- (i) the Corporation shall not be under any liability for failure to supply water under the provisions of this section if such failure be due to frost drought or any other unavoidable cause or any accident.
- (3) For the purposes of this section—
- (a) “ protected works ” means the existing Bratch pumping station of the Corporation being Work No. 1 authorised by section 7 (Power to make waterworks) of the Bilston Commissioners (Water) Act 1893 ;
- (b) “ domestic purposes ” includes all purposes incidental to the occupation of a dwelling-house and any garden park or grounds occupied in connection therewith ;
- (c) “ agricultural purposes ” includes—
- (i) all purposes for which water is ordinarily used by an owner or occupier of lands in the carrying on of agricultural dairying and market gardening operations on such lands ; and
- (ii) industrial or manufacturing purposes with reference to the growing produce of lands which are situate within the radius referred to in subsection (1) of this section.

(4) The provisions of this section shall not operate to restrict or interfere with the powers and obligations of the South Staffordshire Waterworks Company.

PART II.
—cont.—

12. Any electric lines and apparatus for the transmission of electricity and any telegraph or telephone posts wires conductors or apparatus and any other means of electric communication made maintained laid down or erected by the Corporation under the provisions of this Part of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be installed or worked in contravention of the provisions of the Wireless Telegraphy Acts 1904 to 1926 or any statutory re-enactment or modification thereof and shall not be constructed maintained and used in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protection
of Postmaster-
General.

32 & 33 Vict.
c. 73.

13.—(1) In this section—

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

“Protected apparatus” means any main pipe valve or apparatus in connection with the supply of water belonging to the Wolverhampton Corporation.

For protection
of Wolver-
hampton
Corporation.

(2) Nothing contained in the section of this Act of which the marginal note is “For protection of Corporation’s wells” shall apply to or in respect of any well or other work for taking or intercepting underground water for the time being belonging to the Wolverhampton Corporation and constructed on the lands described in article 1 of the Order which was confirmed by the Local Government Board’s Provisional Orders Confirmation (No. 21) Act 1896.

59 & 60 Vict.
c. clxx.

(3) The following provisions for the protection of the Wolverhampton Corporation shall unless otherwise agreed in writing between the Corporation and the Wolverhampton Corporation apply and have effect:—

(a) Whenever the Corporation in exercise of the powers contained in this Part of this Act require to execute any work over under or within five feet of any protected apparatus the Corporation shall give to the Wolverhampton Corporation not less than fourteen days’ notice before commencing to execute such work accompanied by complete drawings showing details of the protected apparatus and of the position and depth of the intended works except in cases of emergency and then as soon as possible after the beginning of the work or the necessity for the same shall have arisen and the Wolverhampton

PART II.
—cont.

Corporation shall be entitled by their water engineer to superintend the work and the Corporation shall conform with such reasonable requirements as may be made by the Wolverhampton Corporation or their said engineer for protecting the protected apparatus from injury and for securing access thereto and shall also if required so to do by the Wolverhampton Corporation repair any damage that may be done thereto or (if the Wolverhampton Corporation elect themselves to repair any such damage) shall repay to the Wolverhampton Corporation the cost reasonably incurred by them in so doing ;

- (b) Where the Corporation find it necessary to undermine any protected apparatus they shall temporarily support it in position during the execution of their works and before completion provide suitable and proper foundation for the same where so undermined ;
- (c) If the Corporation make default in complying with any of the requirements of this section they shall make full compensation to the Wolverhampton Corporation for any expense loss damage penalty or costs which they may incur by reason or in consequence thereof.

(4) Any difference which may arise between the Corporation and the Wolverhampton Corporation under subsection (3) of this section shall be determined by arbitration.

For protection
of Stafford-
shire County
Council.

14. The following provisions for the protection of the county council of the administrative county of Stafford (in this section referred to as " the county council ") shall unless otherwise agreed in writing between the county council and the Corporation apply and have effect with respect to the execution of works under the authority of this Part of this Act :—

(1) In this section—

" county bridge " means a bridge vested in the county council and the approaches to any such bridge ;

" work " means any main pipe drain sewer or other work constructed by the Corporation under the authority of this Part of this Act ;

" in " where used in relation to a road or bridge includes under along over or across such road or bridge ;

" position " includes depth ;

" the county surveyor " means the surveyor of the county council :

- (2) All works (not being replacements of existing works in the same position as the works replaced) to be laid in any county road or any county bridge shall be laid

in such position as the county council may by writing under the hand of the county surveyor reasonably direct:

- (3) The notice required by section 30 of the Waterworks Clauses Act 1847 as amended by section 279 of the Public Health Act 1936 with respect to the breaking up of streets shall as regards any county road or county bridge be not less than fourteen clear days:
- (4) The notice required by section 30 of the Waterworks Clauses Act 1847 shall be accompanied by the plan required by section 31 of the said Act and (where applicable) by a section of the proposed works (such plan and section to be drawn to such scales as to show clearly the proposed work) and any difference as to any such plan or section or as to the temporary or other works referred to in the said section 31 shall be determined by arbitration instead of in the manner prescribed by the said section 31. If the county council shall not, within fourteen days after the plan and section (if any) shall have been delivered to them express their disapproval thereof and the grounds of such disapproval or signify their requirements in relation thereto they shall be deemed to have approved thereof and to have given directions under the hand of the county surveyor for the apparatus shown thereon to be laid in the position shown on the said plan:
- (5) As respects any road or bridge the filling in of the ground and the reinstatement of the road or pavement in pursuance of the provisions of section 32 of the Waterworks Clauses Act 1847 shall be carried out in accordance with a specification to be submitted by the Corporation to and reasonably approved by the county surveyor. If the county surveyor shall not within seven days after the specification shall have been submitted to him express his disapproval thereof and the grounds of such disapproval or signify his requirements in relation thereto he shall be deemed to have approved thereof:
- (6) All works shall be executed so as not to stop or to any greater extent than is reasonably necessary impede or interfere with the traffic in any county road or county bridge and the Corporation shall not without the consent of the county surveyor open or break up at any one time a greater consecutive length of any such road or bridge than shall be reasonable:
- (7) Nothing in this Act shall interfere with the right of the county council to alter the level of deviate widen reconstruct or improve (each of which works is in this subsection referred to as a "highway alteration") any road

PART II.
—cont.

in which any works shall have been laid or to remove alter rebuild widen or repair (each of which works is in this section referred to as a "bridge alteration") any county bridge in which any works are carried in the same manner as if this Act had not been passed and in the event of any such highway alteration or bridge alteration being intended by the county council in such manner as reasonably to necessitate the alteration of any work the Corporation may and (on receiving notice in writing under the hand of the county surveyor so to do) shall with all reasonable despatch divert or alter the position of any such work in such manner and to such extent as may be agreed between the county council and the Corporation or as failing such agreement shall be determined by arbitration Provided that—

(a) during the highway alteration or bridge alteration the county council shall afford all reasonable facilities to enable the Corporation temporarily to carry or accommodate the works so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through the same ;

(b) the county council shall (except to the extent provided in paragraphs (c) and (d) of this proviso) repay to the Corporation the expenses reasonably incurred by the Corporation in effecting any such diversion or alteration of the position of any such works ;

(c) if in carrying out any such diversion or alteration of position—

(A)—

(i) the Corporation lay place or construct any new work in substitution for their existing work ; and

(ii) the existing work was laid placed or constructed before the commencement of the period of seven years and six months immediately preceding the diversion or alteration of position of the work ; and

(iii) the date at which the existing work would have required to be renewed is deferred by reason of the laying placing or construction of the new work ; or

(B) the said expenses are enhanced by—

(i) the substitution for the existing work of an improved work ; or

(ii) the substitution for the existing work of a work of greater dimensions (other than length) than those of the existing work; or

(iii) the laying or placing of a work at a depth greater than that of the existing work;

the Corporation shall themselves bear (in the case referred to in sub-paragraph (A) of this paragraph) such proportion of the said expenses as represents the estimated saving of expense to the Corporation resulting from such deferment as is referred to in sub-paragraph (A) (iii) and (in the case referred to in sub-paragraph (B) of this paragraph) such proportion of the said expenses as represents the amount of such enhancement as is referred to in that sub-paragraph except to the extent of any part of such amount which may be borne by the Corporation under sub-paragraph (A) of this paragraph;

(d) Where the existing work had been laid placed or constructed in the part of the road or bridge affected by the highway alteration or bridge alteration within the period of two years immediately preceding the commencement of the highway alteration or bridge alteration and at the time of such laying placing or construction the county council had given to the Corporation warning in writing of their intention to execute the highway alteration or bridge alteration with a statement of the manner in which and the extent to which they intended to execute such alteration no part of the said expenses shall be repayable by the county council if the highway alteration or bridge alteration is executed by the county council in accordance with the statement so given or with such variation only of the particulars contained in that statement as not prejudicially to affect the Corporation:

- (8) If it is reasonably necessary that any county bridge should be strengthened for the purpose of carrying or supporting the works of the Corporation the Corporation shall pay the reasonable expenses incurred by the county council in relation to such strengthening:
- (9) If any question or dispute shall arise between the county council and the Corporation under the provisions of this section the same shall be referred to arbitration.

15. The following provisions for the protection of the urban district council of Sedgley (in this section referred to as "the council") shall unless otherwise agreed in writing between the council and the Corporation apply and have effect notwithstanding anything contained in this Act:—

For protection
of Sedgley
Urban District
Council.

- (1) The provisions of the section of this Act of which the marginal note is "For protection of gas companies" shall with any necessary modifications extend and apply

PART II.
—cont.

to and enure for the protection of the council as if the said provisions were re-enacted in this section with the substitution of the council for the gas companies therein named and as if the council were "the protected company" within the meaning of that section:

- (2) The provisions of the section of this Act of which the marginal note is "For protection of Staffordshire County Council" shall with the necessary modifications extend and apply to and enure for the protection of the council with respect to the works by this Part of this Act authorised in the same manner and to the same extent as if the said provisions were re-enacted in this section with the substitution of—

(a) the council for the county council of the administrative county of Stafford;

(b) Streets or roads and bridges (with the approaches thereto) vested in or repairable by the council for county roads and county bridges (as defined in the said section);

(c) The surveyor of the council for the county surveyor (as defined in the said section).

For protection
of Coseley
Urban District
Council.

16. The provisions of the section of this Act of which the marginal note is "For protection of Staffordshire County Council" shall with the necessary modifications extend and apply to and enure for the protection of the urban district council of Coseley (in this section referred to as "the council") with respect to the works by this Part of this Act authorised in the same manner and to the same extent as if the said provisions were re-enacted in this section with the substitution of—

(a) The council for the county council of the administrative county of Stafford;

(b) Streets or roads and bridges (with the approaches thereto) vested in or repairable by the council for county roads and county bridges (as defined in the said section);

(c) The surveyor of the council for the county surveyor (as defined in the said section).

For protection
of gas
companies.

17. For the protection of the Bilston Gas Light and Coke Company Limited the Dudley Brierley Hill and District Gas Company and the Wolverhampton Gas Company (which companies are in relation to their respective limits of supply in this section severally referred to as "the protected company") the following provisions shall unless otherwise agreed in writing between the Corporation and the protected company apply and have effect:—

- (1) Whenever the Corporation in exercise of the powers contained in this Part of this Act require to execute any work over under or within five feet of any main pipe or

apparatus belonging to the protected company the Corporation shall give to the protected company not less than fourteen days' notice before commencing to execute such work accompanied by complete drawings showing details of all apparatus and of the position and depth of the intended works except in cases of emergency and then as soon as possible after the beginning of the work or the necessity for the same shall have arisen and the protected company shall be entitled by their engineer to superintend the work and the Corporation shall conform with such reasonable requirements as may be made by the protected company or their engineer for protecting from injury every such main pipe or apparatus and for securing access thereto and shall also if required so to do by the protected company repair any damage that may be done thereto or (if the protected company elect themselves to repair any such damage) shall repay to the protected company the cost reasonably incurred by them in so doing :

- (2) Where the Corporation find it necessary to undermine any such main pipe or apparatus they shall temporarily support it in position during the execution of their works and before completion provide suitable and proper foundation for the same where so undermined :
- (3) If the Corporation make default in complying with any of the requirements of this section they shall make full compensation to the protected company for any expense loss damage penalty or costs which they may incur by reason or in consequence thereof :
- (4) Any difference which may arise between the Corporation and the protected company under this section shall be determined by arbitration.

18.—(1) Whenever the Corporation in exercise of the powers contained in this part of this Act require to execute any work over under or within three feet of any main pipe or apparatus belonging to the South Staffordshire Waterworks Company (in this section referred to as "the company") or whenever the company in the exercise of their statutory powers require to execute any work over under or within three feet of any main pipe or apparatus of the Corporation the Corporation or the company as the case may be (in this section referred to as "the operators") shall unless otherwise agreed between them give to the company or the Corporation as the case may be (in this section referred to as "the owners") not less than fourteen days' notice before commencing to execute such work except in cases of emergency and then as soon as is possible after the beginning of the work or the necessity for the same shall have arisen and

For mutual
protection of
South
Staffordshire
Waterworks
Company and
Corporation.

PART II.
—cont.

the owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe or apparatus and for securing access thereto and shall also if required so to do by the owners repair any damage that may be done thereto or (if the owners elect themselves to repair any such damage) shall repay to the owners the cost reasonably incurred by them in so doing.

(2) Where the operators find it necessary to undermine any such main pipe or apparatus they shall temporarily support it in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

(3) If the operators make default in complying with any of the requirements of this section they shall make full compensation to the owners for any expense loss damage penalty or costs which they may incur by reason or in consequence thereof.

(4) Any difference which may arise between the Corporation and the company under this section shall be determined by arbitration.

For protection
of Dudley
Corporation.

19. For the protection of the mayor aldermen and burgesses of the borough of Dudley (in this section referred to as "the Dudley Corporation") the following provision shall apply and have effect (that is to say) :—

Nothing in this Act or the Acts incorporated therewith or in any byelaw made thereunder shall extend so as to deprive the Dudley Corporation of any right which they now have to discharge the sewage and waste water of their borough at Whitehouse Farm in such manner and at such points as they are entitled to do under the Dudley Sewage Act 1879.

PART III.

LANDS.

Further
powers for
acquisition of
lands.

20.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Corporation 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.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the

outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

PART III.
—cont.

21.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Corporation may retain and hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and in consideration either of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Act 1936 or any Act repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Retention and
disposal of
lands.

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

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained :

Provided also that nothing in this section shall be taken to dispense with the consent of any government department to any sale lease appropriation or other disposition of any lands of the Corporation (other than lands acquired under any local Act applying to the Corporation) in any case in which such consent would have been required if this Act had not been passed.

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

PART III.

—cont.

Reservation of
easements, &c.

22. The Corporation on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Powers with
reference to
leases of lands.

23.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act or any local Act for the time being in force within the borough and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of the lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion.

Power to
develop lands.

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

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

Power to
Corporation to
advance
money for
erection of
buildings.

25.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired from or let on lease by them for the purpose of enabling or assisting him to erect houses shops offices warehouses or other buildings on such lands provided that any advance shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the lands with the intended houses shops offices warehouses or other buildings erected thereon.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 of the Housing Act 1935 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and the purchaser or lessee.

25 & 26 Geo. 5.
c. 40.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year as may be agreed between the said purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's written notice and on paying all sums then due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the instrument hereinafter referred to) or a multiple of one hundred pounds (or such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will be reduced when a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the house shop offices warehouse or other building in respect of the erection of which the advance is made and of the land upon which such building is to be erected or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and shall require the said purchaser or lessee to keep the house shop offices warehouse or other building insured against fire to the satisfaction of the Corporation and to produce the receipt for the premium paid in respect of such insurance to the Corporation when required by them and to keep the house shop offices warehouse or other building in good repair.

(6) The Corporation shall have power at all reasonable times to enter the house shop offices warehouse or other building in respect of the erection of which any advance is made by them by any person authorised by them in writing for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the house shop offices warehouse

PART III.
—cont.

or other building in respect of the erection of which such advance is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

Houses for
persons in the
employment
of Corporation.

26.—(1) The Corporation may purchase or take on lease houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such 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 for those purposes.

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

Proceeds of
sale of surplus
lands.

27.—(1) The Corporation may (so far as they consider necessary) apply subject to the approval of the Minister any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

Saving for
planning
schemes &c.

28. Nothing in the provisions of the sections of this Act of which the marginal notes are "Power for protection of waters and waterworks" "Byelaws for preventing pollution of water" "Power to develop lands" and "Houses for persons in the employment of Corporation" shall authorise the development of any land or the erection of any buildings or the execution of any works in contravention of any requirements or restrictions imposed by or under any enactment as to the erection placing or making of buildings erections or excavations or the construction formation or laying out of means of excess to or from any road or as to the submission of plans and specifications or the giving of notices to any authority or in contravention of any provision contained in a scheme made under the Town Planning Act 1925 or the Town and Country Planning Act 1932 or any enactment repealed by either of those Acts.

15 & 16 Geo. 5.
c. 16.
22 & 23 Geo. 5.
c. 48.

PART IV.

SUPPLY PIPES AND COMMUNICATION PIPES.

29. This Part of this Act shall come into force on the appointed day.

Commence-
ment of
Part IV.

30. In this Part of this Act unless the subject or context otherwise requires—

Definitions
for Part IV.

“the appointed day” means the first day of January one thousand nine hundred and forty-three ;

“main” means a pipe laid by the Corporation for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe ;

“service pipe” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main or would be so subject but for the closing of some tap ;

“supply pipe” means so much of any service pipe as is not a communication pipe ;

“communication pipe” means—

(a) where the premises supplied with water abut on the part of the street in which the main is laid and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable so much of the service pipe as lies between the main and that stopcock ;

(b) in any other case so much of the service pipe as lies between the main and the boundary of the street in which the main is laid ;

and includes the ferrule at the junction of the service pipe with the main and also—

(i) where the communication pipe ends at a stopcock that stopcock ; and

(ii) any stopcock fitted on the communication pipe between the end thereof and the main ;

“outer wall” in relation to a building abutting on a street does not include the outer wall of a cellar or other structure belonging to that building but situate beneath the street ;

“street” includes any highway including a highway over any bridge and any road lane footway square court alley or passage within the limits of supply whether a thoroughfare or not.

PART IV.
—cont.
Transfer and
vesting of
communica-
tion pipes
&c.

31.—(1) On the appointed day so much of every service pipe as constitutes a communication pipe not then the property of the Corporation shall by virtue of this Part of this Act become transferred to the Corporation without payment therefor and as from the appointed day all communication pipes whether laid before or after the appointed day shall vest in the Corporation and the Corporation shall at their own expense carry out any necessary works of maintenance repair or renewal of such pipes and any work on their mains incidental thereto.

(2) The Corporation shall also carry out any such necessary work as aforesaid in the case of so much of any supply pipe as is laid in a highway and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the owner of the premises supplied by the pipe but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the premises.

(3) If the Corporation fail to carry out any such necessary work with all reasonable despatch after service upon them of complaint of a defect from an owner or occupier of premises affected they shall unless such failure is due to unavoidable cause or any accident be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Laying of
supply pipes
&c.

32. On and after the appointed day an owner or occupier of any premises within the limits of supply who desires to have a supply of water for his domestic purposes from the waterworks of the Corporation shall subject to the provisions of this Part of this Act comply with the following requirements:—

- (a) he shall give to the Corporation fourteen days' notice of his intention to lay the necessary supply pipe and at or before the time of giving such notice shall pay or tender to them such sum as may be payable in advance by way of water rate in respect of his premises ;
- (b) he shall lay the supply pipe at his own expense having first obtained as respects any land not forming part of a street the consent of the owners and occupiers thereof ;
and
- (c) the bore strength and material of the supply pipe shall comply with the requirements of the byelaws or regulations of the Corporation with respect to those matters or if there are no byelaws or regulations shall be such as may be approved by the Corporation or in case of dispute by a court of summary jurisdiction :

Provided that where any part of the supply pipe is to be laid in a highway he shall not himself break open the highway or lay that part of the pipe.

33.—(1) Upon receipt of such a notice as is referred to in the last preceding section the Corporation shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a highway and shall connect the communication pipe with the supply pipe :

PART IV.
—cont.
Laying of
communica-
tion pipes
&c.

Provided that where any part of the supply pipe is to be laid in a highway they may elect to lay a main in the highway for such distance as they think fit in lieu of a supply pipe and in that case shall lay a communication pipe from that main and connect it with the supply pipe.

(2) If the Corporation fail to carry out the said work within fourteen days after the person by whom the notice was given has laid a supply pipe in accordance with the provisions of the last preceding section they shall unless such failure is due to unavoidable cause or any accident be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The expenses reasonably incurred by the Corporation in executing the work which they are required or authorised by this section to execute shall be repaid to them by the person by whom the notice was given and may be recovered by them from him summarily as a civil debt :

Provided that if under the provisions of this section the Corporation lay a main in lieu of part of a supply pipe the additional cost incurred in laying a main instead of a supply pipe shall be borne by them.

(4) Notwithstanding anything in the foregoing provisions of this section the Corporation may within three days after the receipt of such a notice as aforesaid require the person giving the notice either to pay to them in advance the cost of the work as estimated by their engineer or to give security for payment thereof to their satisfaction and where they make such a requirement the period of fourteen days referred to in subsection (2) of this section shall not commence to run until the requirement has been complied with.

(5) If any payment so made to the Corporation exceeds the expenses which under the foregoing provisions of this section they would be entitled to recover from the person giving the notice the excess shall be repaid by them and if and so far as those expenses are not covered by the payment they may recover the balance from him summarily as a civil debt.

34.—(1) Subject to the provisions of this section the Corporation may require the provision of a separate service pipe for each house supplied or to be supplied by them with water.

Power to
require
separate
service pipes.

(2) If in the case of a house already supplied with water but not having a separate service pipe the Corporation give notice to the owner of the house requiring the provision of such a pipe

PART IV.
—cont.

the owner shall within three months lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a highway and the Corporation shall within fourteen days after he has done so lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a highway and make all necessary connections.

(3) If an owner upon whom a notice has been served under subsection (2) of this section fails to comply therewith the Corporation may themselves execute the work which he was required to execute.

(4) The expenses reasonably incurred by the Corporation in executing the work which they are required by subsection (2) of this section to execute or which they are empowered by subsection (3) of this section to execute shall be repaid to them by the owner of the house and may be recovered by them from him summarily as a civil debt but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the house.

(5) If the Corporation make default in executing the work which they are required by subsection (2) of this section to execute they shall unless such failure is due to unavoidable cause or any accident be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(6) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the water rates in respect of all those houses then so long as he punctually pays those rates and the supply pipe of those houses is sufficient to meet the requirements thereof the Corporation shall not require the provision of separate service pipes for those houses.

(7) Without prejudice to the provisions of subsection (6) of this section where on the appointed day two or more houses were being supplied with water by a single service pipe the Corporation shall not require the provision of separate service pipes for those houses until either—

- (a) the existing supply pipe becomes so defective as to require renewal or is no longer sufficient to meet the requirements of the houses ; or
- (b) an instalment of the water rate in respect of any of the houses remains unpaid after the end of the period for which it is due ; or
- (c) the houses are by structural alterations to one or more of them converted into a larger number of houses.

As to position
&c. of
stopcocks.

35.—(1) On every service pipe laid after the appointed day the Corporation shall and on every service pipe laid before that date the Corporation may fit a stopcock enclosed in a covered box or pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe after the appointed day shall be placed in such position as the Corporation deem most convenient :

PART IV.
—cont.

Provided that—

- (a) a stopcock in a street shall after consultation with the highway authority concerned be placed as near to the boundary thereof as is reasonably practicable ; and
- (b) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises.

36.—(1) If the Corporation have reason to think that some injury to or defect in a supply pipe which they are not under obligation to maintain is causing or is likely to cause waste of water or injury to person or property they may execute such work as they think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the pipe is discovered the expenses reasonably incurred by the Corporation in discovering it and in executing repairs shall be recoverable by them summarily as a civil debt from the owner of the premises supplied but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the premises :

Power to
repair supply
pipes.

Provided that except in emergency the Corporation shall not under the powers of this section enter any house or private premises unless they shall have given to the occupier of such house or premises (and if the supply pipe is repairable by the owner of the said house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

(2) Where several houses in the occupation of different persons are supplied with water by one common supply pipe belonging to the owners or occupiers of the houses the amount of any such expenses as aforesaid reasonably incurred from time to time by the Corporation in the maintenance and repair of that pipe may be recovered by them summarily as a civil debt from those owners or occupiers in such proportions as in case of dispute may be settled by a court of summary jurisdiction.

37.—(1) On and after the appointed day the provisions of this Part of this Act shall have effect in substitution for the provisions of sections 44 to 47 (with respect to the communication pipes to be laid by the undertakers) and of sections 48 to 51 (with respect to the communication pipes to be laid by the inhabitants) of the Waterworks Clauses Act 1847 and of section 121 of the Public Health Act 1936 so far as those sections relate to any pipe which constitutes or forms part of a communication pipe.

Certain
provisions to
cease to apply
to communica-
tion pipes.

PART IV.
—cont.

(2) On and after the appointed day section 19 of the Waterworks Clauses Act 1863 which prohibits the extension or alteration of pipes without the consent of the undertakers shall in its application to the Corporation have effect as if the expression "communication or service pipe" meant a supply pipe as defined in this Part of this Act.

PART V.

WATER SUPPLY.

Corporation to have powers of urban authority for supply of water.

38.—(1) Within the limits of supply the Corporation subject to the provisions of this Act shall have and enjoy and may exercise all the powers rights and authorities and shall be subject to all the obligations of and restrictions on an urban authority under Part IV (Water supply) of the Public Health Act 1936 other than those contained in subsection (3) of section 116 and in sections 126 127 and 132 of that Act as if the Corporation were supplying water under that Act :

Provided that—

- (a) the duty imposed by paragraph (b) of subdivision (ii) of section 111 of that Act and the powers conferred by sections 137 138 139 140 and 141 of that Act shall not be discharged or exercised in respect of houses schools premises wells tanks or other sources of supply or wells tanks cisterns or water butts used for the supply of water beyond the borough ;
- (b) section 117 of that Act shall not apply to any supply of water given by the Corporation in the area referred to in section 10 (Limits of Act for water supply) of the Bilston Improvement Act 1896 ;
- (c) nothing in this section shall affect the operation of the section of this Act of which the marginal note is " Limiting powers of Corporation to abstract water."

(2) The provisions of this section shall be in addition to and not in derogation of any other powers conferred by this or any other enactment.

Limit of pressure.

39. The water supplied by the Corporation need not at any time be delivered at a pressure greater than that afforded by gravitation from the reservoir or tank from which the supply is given.

Meters &c. to measure water or detect waste.

40. Subject to the provisions so far as applicable of the Public Health Act 1936 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and other apparatus

on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways (but as near as reasonably practicable to the boundary of the street) the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily break up and interfere with streets sewers rails pipes wires and apparatus :

PART V.
—cont.

Provided that the Corporation shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

41. The Corporation may agree with the owner or occupier of any premises within the limits of supply who is not entitled to demand a supply of water from the Corporation to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates and rents are recoverable by them.

Agreements
as to supply
of water in
certain cases.

42.—(1) As from the first day of October one thousand nine hundred and forty-two section 13 (Rate at which water is to be supplied for domestic purposes) of the Bilston Improvement Act 1896 is hereby repealed and from and after such date the Corporation shall at the request of the owner or occupier of any house or part of a house entitled under the provisions of Part IV of the Public Health Act 1936 to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at a rate not exceeding twelve pounds ten shillings per centum per annum upon the net annual value of the premises supplied.

Rates for
supply of
water for
domestic
purposes.

(2) The net annual value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrued. Provided that where the water rate is chargeable on the net annual value of a part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing charges the Corporation may charge in respect of every fixed bath having a capacity (measured to the centre line of the overflow pipe or in such other manner as the Minister may by regulations prescribe) exceeding fifty gallons such sum as the Corporation may think fit :

The additional sums which may be charged under this subsection shall (subject to the provisions of the section of this Act

PART V.
—cont.

of which the marginal note is "Collection of water rate &c.") be paid quarterly in advance and shall be recoverable in all respects with and in the same manner as the water rate.

Revision of
rates and
charges.

43. The Minister may if he thinks fit from time to time on the application of the Corporation or of a local authority having jurisdiction within the limits of supply or of twenty persons supplied with water by the Corporation by order vary either by way of increase or decrease the rates and charges for the supply of water which the Corporation are by this Part of this Act authorised to charge and such order may provide for the alteration of the basis or scale of such rates and charges :

Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will suffice to provide a reasonable sum as a contribution towards a reserve fund in respect of the water undertaking so long as such fund does not amount to the maximum prescribed under the section of this Act whereof the marginal note is "Application of revenue of undertakings" of this Act :

Provided also that in the absence of exceptional circumstances the Minister shall not alter the maximum rates and charges at less intervals than five years.

As to yearly
value of two
or more
houses in one
occupation.

44. Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same person they shall be deemed for the purposes of determining the amount of the water rate chargeable by the Corporation in respect of any supply of water for domestic purposes furnished by the Corporation to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a value equal to the aggregate of the values of the separate houses or buildings or parts of houses or buildings so occupied.

Supply to
houses partly
used for
trade &c.

45.—(1) The Corporation shall not be bound to supply with water otherwise than by meter—

- (a) any premises used as a house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required ;
- (b) any public institution ;
- (c) any hospital sanatorium school club hostel assembly hall place of public entertainment restaurant or licensed premises within the meaning of that expression as used in the Licensing (Consolidation) Act 1910 ;
- (d) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein.

(2) (a) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this subsection shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by this Act.

(b) For the purposes of this subsection the expression "farming purposes" includes dairy purposes.

(3) The minimum charge for a supply of water by meter to any of the premises mentioned in subsection (1) of this section shall be a sum equal to the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a house of the same net annual value.

46. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Corporation may require that all water required for such swimming bath or bathing pool shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter. Supplies to swimming baths and bathing pools.

47.—(1) Where a person who takes a supply of water for domestic purposes from the Corporation otherwise than by meter desires to use any of the water so supplied for operating— Charges for supplies for refrigerating apparatus &c.

(a) a water-cooled refrigerating apparatus; or

(b) any apparatus depending while in use upon a supply of continuously running water not being an apparatus used solely for heating the water; or

(c) any apparatus used for softening water which requires water for cleaning regenerating motive power or similar purposes;

the Corporation may if they think fit require that all water so used shall—

(i) be taken by meter and paid for accordingly; or

(ii) be paid for at such rates as may be agreed between such person and the Corporation.

(2) No charge shall be made under this section in respect of an apparatus used within the premises for which the supply of water is taken for softening water if one such apparatus only is used and the water softened thereby is used solely for domestic purposes.

48.—(1) Where a person who takes a supply of water for domestic purposes otherwise than by measure is the occupier of stables garages or other premises where horses or motor cars or other carriages are kept and the water supplied to that person Charges for horses and washing vehicles.

PART V.
—cont.

for domestic purposes is used for horses or washing motor cars or carriages or for other purposes in or in connection with such premises the Corporation may—

- (a) if the water so used can be taken from a stand-pipe or tap (not being a stand-pipe or tap within any house occupied with such premises) but no hosepipe or other similar apparatus be used in connection with such stand-pipe or tap charge in respect of the water so used such sum not exceeding ten shillings per annum as they may prescribe and where more motor cars or carriages than one are kept a further sum not exceeding five shillings for each motor car or carriage beyond the first; or
- (b) if the water so used be used by means of a hosepipe or other similar apparatus charge in respect of the water so used such sum not exceeding twenty shillings per annum as they may prescribe and where more motor cars or carriages than one are kept a further sum not exceeding ten shillings per annum for each motor car or carriage beyond the first.

(2) Any sums chargeable under subsection (1) of this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be payable at the same dates and be recoverable in all respects with and in the same manner as those rates.

(3) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or washing motor cars or carriages or for other purposes in or in connection with stables garages or premises where horses motor cars or carriages are kept the Corporation may if they think fit require that all water so used by means of such hosepipe or other apparatus shall be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter.

Power to
prohibit use
of hosepipe
temporarily.

49.—(1) If the Corporation are of opinion that by reason of drought or other cause the water supply of the Corporation should be conserved the Corporation may prohibit as from such date as they may determine the drawing or user through any hose or moveable pipe of water supplied by them so far as such drawing or user is for the purpose of gardens or horses or washing vehicles or any outdoor washing purpose and such prohibition shall continue until withdrawn.

(2) The Corporation shall before the prohibition comes into force give public notice in two or more newspapers circulating within the limits of supply of the prohibition and of the date when it will come into force.

(3) Any person who shall after the date stated in the said notice fail to comply with the prohibition shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) The Corporation shall not make any charge for the use of a hose or moveable pipe in respect of any period during which the drawing or user of water by means thereof is prohibited as aforesaid if such prohibition is complied with in relation to such hose or moveable pipe and where any consumer has paid to the Corporation the charge for the use of any such hose or moveable pipe during the year or part of a year which includes the said period and complies with the said prohibition in relation to such hose or moveable pipe the Corporation shall repay to the consumer the proportion of such charge which is attributable to that period.

50.—(1) Notwithstanding anything in any Act relating to the Corporation a person shall not be entitled to demand or to continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

Special terms
for supplies
to caravans
shacks and
huts.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

51. The price to be charged for a supply of water by measure shall not exceed two shillings per one thousand gallons Provided that the Corporation shall be entitled to charge for each such supply (other than a supply given under the sections of this Act of which the marginal notes are "Supply to houses partly used for trade &c." and "Special terms for supplies to caravans shacks and huts") such minimum sum not exceeding five shillings as they may prescribe in respect of the water supplied in any quarter of a year.

Price of supply
by measure.

PART V.

—cont.

Discounts on
water
charges &c.

52.—(1) The Corporation may make an allowance by way of discount not exceeding five per centum on the amount due in respect of any water rent rate or charge or any instalment thereof from any person who pays the same within such time after demand of the rent rate or charge or any instalment thereof as the case may be as the Corporation may prescribe :

Provided that—

(i) no discount shall be allowed where the person paying such rent rate or charge or any instalment thereof is the owner who is entitled to any allowance for which provision is made by subsection (2) of section 129 of the Public Health Act 1936 ; and

(ii) the same rate of discount shall be allowed in similar circumstances to every person from whom such water rent rate or charge or any instalment thereof shall be demanded.

(2) If and so long as the Corporation allow such discount notice of the effect of this section shall be endorsed on every demand note for water rents rates or charges.

Collection of
water rate
&c.

53. Any water rate or charge payable to the Corporation in respect of premises within the borough may be collected together with the general rate.

Effect on
water rate of
alterations in
valuation list.
15 & 16 Geo. 5.
c. 90.

54.—(1) Where in consequence of a proposal under section 37 of the Rating and Valuation Act 1925 an amendment is made in the valuation list for the time being in force the amendment shall for the purpose of calculating the amount due in respect of the water rate have effect retrospectively as from the date when the proposal was made and any necessary adjustments shall be made in the then current instalment of the rate and any subsequent instalments or rates.

(2) If it is found that by reason of the foregoing provisions too much or too little has been paid in respect of any water rate the difference shall be repaid or allowed or as the case may be shall be paid and may be recovered in the manner in which water rates are recoverable.

Power to
supply water
fittings.

55.—(1) The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets and other fittings as are required or permitted by their regulations (in this section referred to as "fittings") and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requesting the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Corporation on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removeable by the Corporation. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows:—

- (a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);
- (b) When a demand note delivered by the Corporation to a consumer includes a sum charged by the Corporation in respect of providing such fittings or the repairing fixing or removal thereof such sum shall be clearly stated in such demand note;
- (c) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

56.—(1) The Corporation by their agents or workmen after forty-eight hours' notice in writing under the hand of the water-works engineer or some other officer of the Corporation to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time

Power to
remove
meters and
fittings.

PART V.
—cont.

with the authority in writing of a justice of the peace for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

(2) If any person hinders any such agent or workmen from entering or effecting such removal he shall for every such offence be liable on conviction to a penalty not exceeding five pounds.

Recovery
of sums due
for fittings &c.

57. If the Corporation commence proceedings against any consumer for the summary recovery of any sum due for a supply of water any other sum due or payable to the Corporation by the same consumer in respect of the sale or hire of any apparatus or fittings supplied or provided by them for or in connection with the consumption or use of water or in respect of the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily as a civil debt together with the sum due for the supply of water provided that the sum so included as aforesaid does not exceed twenty pounds in any one summons.

Extension
of power
to inspect
premises.

58. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the surveyor or any officer of the Corporation duly authorised by him in writing may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder the surveyor or any such authorised person from entering either under the said section 57 or under this section or from making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Penalty for
extension or
alteration of
pipes &c.

59.—(1) Any person who without the consent of the Corporation attaches any pipe or apparatus to a pipe belonging to the Corporation or to a supply pipe or makes any alteration in a supply pipe or in any apparatus attached to a supply pipe shall be liable to a fine not exceeding five pounds and any person who uses any pipe or apparatus which has been so attached or altered shall be liable to the same penalty unless he proves that he did not know and had no grounds for suspecting that it had been so attached or altered.

(2) When an offence under this section has been committed then whether proceedings be taken against the offender in respect of his offence or not the Corporation may recover from him

summarily as a civil debt the amount of any damage sustained by them and the value of any water wasted misused or improperly consumed.

PART V.
—cont.

(3) In this section the expression "supply pipe" has the same meaning as in Part IV of this Act.

60.—(1) A consumer who has not obtained the consent of the Corporation shall not connect or disconnect any meter by means of which water supplied by the Corporation is intended to be or has been measured for the purposes of the payment to be made to them but if he requires such a meter to be connected or disconnected shall give to the Corporation not less than twenty-four hours' notice of his requirements and of the time when the work can be commenced and thereupon the Corporation shall carry out the necessary work and may recover from him summarily as a civil debt the expenses reasonably incurred by them in so doing.

Meters to be connected or disconnected by Corporation.

(2) A consumer who contravenes any of the provisions of this section and the Corporation if they fail to carry out with all reasonable despatch any such work as aforesaid shall be liable to a penalty not exceeding forty shillings.

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

Charges for special readings of meters.

62.—(1) Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any main or service pipe and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks' Clauses Act 1847.

Penalty for turning on valves &c.

(2) In this section the expressions "main" and "service pipe" have the same meanings as in Part IV of this Act.

63.—(1) If any person either—

- (a) wilfully and without the consent of the Corporation ; or
- (b) negligently ;

Penalty for interference with valves and apparatus.

turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to the Corporation and thereby causes the supply of water to be interfered with he shall be liable to a penalty not exceeding five pounds and the

PART V.

—cont.

Corporation may whether proceedings be taken against him in respect of his offence or not recover from him summarily as a civil debt the amount of any damage sustained by them:

Provided that this section shall not apply to a consumer closing the stopcock fixed on the service pipe supplying his premises so long as he had obtained the consent of any other consumer whose supply will be affected thereby.

(2) In this section the expression "service pipe" has the same meaning as in Part IV of this Act.

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

65. For the protection of the rural district council of Seisdon the following provisions shall have effect:—

Nothing in this Part of this Act shall alter or affect the operation of section 10 (For the protection of the Seisdon rural sanitary authority) of the Bilston Commissioners (Water) Act 1893 as amended by section 12 (For the protection of the Seisdon Rural District Council) of the Bilston Improvement Act 1896.

PART VI.

STREETS AND BUILDINGS

66.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid:

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

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

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

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

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

Restrictions on
rights of
breaking up
streets.

PART VI.
—cont.

respect to the times at which and the period within which the work of the undertakers shall be executed and completed:

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

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to arbitration.

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

62 & 63 Vict.
c. 19.

Byelaws as to
alteration
of streets.

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

Compensation
for injuring
lamps &c.

69. Every person who negligently breaks throws down or otherwise damages any public lamp or lamp post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin or life saving apparatus or any other property of the Corporation shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding twenty pounds may (without prejudice to any other right or remedy of the Corporation) be recovered summarily as a civil debt.

Signs over
streets.

70.—(1) In this section "sign" means any banner streamer notice board sign or lettering for the purposes of advertisement or announcement (including the supports thereof) which is suspended or extends for more than two feet over any street or which

extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

PART VI.
—cont.

(2) (a) If it appears to the Corporation that any sign which is placed over any street at the date of the passing of this Act is a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street over which it is placed they may by notice in writing require the owner of or person responsible for the placing of such sign to remove it or to comply with such conditions as may be specified in the notice within such period not being less than seven days as may be specified in the notice.

(b) For a period of two years from the passing of this Act the foregoing provisions of this subsection shall not apply to any sign which was in use on the first day of November one thousand nine hundred and forty-one.

(3) (a) After the date of the passing of this Act no person shall without the consent of the Corporation place any sign over any street.

(b) The consent of the Corporation under this subsection shall not be withheld except on the ground that in their opinion the sign would be a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street and such consent may be given subject to such conditions as the Corporation may think fit.

(4) Any person who (a) neglects or refuses to comply with the requirement of any such notice as is referred to in subsection (2) of this section or (b) after the date of the passing of this Act places any sign over any street without the consent of the Corporation or without complying with any conditions attached to any such consent shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the Corporation may themselves remove any such sign and any expense incurred by them in so doing may be recovered by them from such person.

71.—(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 erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall

PART VI.
—cont.

without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter be acquired by a railway or canal company or to any retaining wall erected thereon or to any retaining wall erected by the Bilston Gas Light and Coke Company Limited as a part of or in connection with works for the manufacture of gas.

As to
pavement
lights.

72.—(1) It shall be lawful for the owner or occupier of any property with the consent in writing of the Corporation to construct in any pavement forming part of any street in the borough any means (in this section referred to as "pavement lights") for the admission of light or air through such pavement to any room or premises situate under or adjoining the same.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

(3) Any agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

Provisions
as to tents
vans &c.
51 & 52 Vict.
c. 52.

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

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

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

As to
hoardings
and similar
structures.

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

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

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

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

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

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

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

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

75.—(1) For the purpose of preserving the amenities of the borough it is hereby enacted that it shall not be lawful after the passing of this Act to erect in or within fifteen feet of any street in the borough any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater

Restrictions on
advertisement
hoardings.

PART VI.
—cont.

height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine.

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

(3) The consent of the Corporation under this section shall not be required for a hoarding or similar structure erected within any railway station or upon any property of a railway company for the purposes of such railway company or for a hoarding or similar structure erected upon any wharf of a canal company for the purposes of such canal company except in so far as such hoarding or similar structure fronts upon a street repairable by the inhabitants at large.

As to erection
of hoardings
&c. at street
corners.

76.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall or fence proposed so to be placed or erected.

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

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

(4) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary

line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

PART VI.
—cont.

(5) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925 or by section 1 or section 2 of the Restriction of Ribbon Development Act 1935.

15 & 16 Geo. 5.
c. 68.
25 & 26 Geo. 5.
c. 47.

77.—(1) The Corporation may by notice in writing require—

Repair of
hoardings &c.

- (a) the owner of any hoarding wall or similar structure used for advertising purposes to maintain the same in good order and condition ;
- (b) the person using any hoarding wall or similar structure for advertising purposes to maintain any advertising matter thereon in good order and condition.

(2) If such owner or other person shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from such owner or other person any expense incurred by them in so doing.

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

Elevation of
buildings
erected on
front lands
to require
approval.

(i) If the owner lessee or occupier of any such land shall construct—

(a) any door or entrance in an existing building communicating with that street ; or

(b) any wall or fence by the side of that street ;
he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation ;

(ii) If the Corporation within one month after particulars of position and elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the position and elevations.

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

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

PART VI.
—cont.

(4) This section shall not apply to any street which for the time being is subject to restrictions under the Restriction of Ribbon Development Act 1935.

Elevation
of new
buildings.

79.—(1) Section 61 of the Public Health Act 1936 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a new building in any street specified in the byelaws shall furnish the Corporation with drawings or other sufficient indication of the design or external appearance of the building including such indication of the materials to be used in its construction as may be necessary for the purpose (which drawings and particulars are in this section included in the expression "specifications"):

Provided that section 71 of the Public Health Act 1936 shall extend to the exercise by the Corporation of the powers of the said section 61 as extended by this section.

(2) Where the specifications of any building proposed to be erected are required to be submitted to the Corporation by a byelaw made under the said section 61 as extended by this section the Corporation shall within one month after the submission to them of the specifications by notice in writing—

(a) approve the specifications ; or

(b) if they shall consider that having regard to the character of the locality and of the neighbouring buildings in the street the building to which the specifications relate would seriously disfigure the street whether by reason of the height of the building or its design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds for the disapproval.

(3) The grounds on which a person may appeal against any such disapproval to a court of summary jurisdiction under the section of this Act of which the marginal note is "As to appeals" shall include the ground that compliance with the Corporation's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building have been disapproved under this section it shall not be lawful to erect the building until the specifications thereof have been approved by the Corporation and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) The provisions of this section shall to the extent that the subject matters thereof are dealt with by provisions in a planning scheme coming into operation after the passing of this Act cease to have effect upon the coming into operation of such provisions.

80. 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 twenty pounds and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART VI.

—cont.

Power to order alteration of chimneys.

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

Erection of buildings to greater height than adjoining building.

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

82. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Powers on inspection.

83.—(1) The contractor engaged in or upon the construction or reconstruction of any work not being a work to which section 107 or section 108 of the Factories Act 1937 applies shall where practicable and if required by the Corporation provide to the reasonable satisfaction of the Corporation and until the completion of any such construction or reconstruction maintain such water or other closets and urinals in or in connection with such work as may be sufficient for the accommodation of the workmen employed.

Sanitary conveniences for workmen.
1 Edw. 8. &
1 Geo. 6. c. 67.

PART VI.
—cont.Frontage line
in new streets.

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

84.—(1) Every person who intends to lay out a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactment or byelaw with respect to streets and buildings from time to time in force in the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line unless within one month after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the one month aforesaid without their approval nor without the approval of the Corporation beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation.

(5) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the byelaws with respect to streets and buildings in force in the borough or of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land

lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purposes of this section, the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

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

No building allowed until street defined.

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

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

No building to be erected until street formed.

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

Provided also that the erection by any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 for the purposes of their undertaking of an electrical substation or

PART VI.
—cont.

transforming station not requiring connection to a sewer shall not for the purposes of this section be deemed to be the erection of a building.

55 & 56 Vict.
c. 57.

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 or under the local Acts for the time being in force in the borough.

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

Development
scheme may be
required in
connection
with new
streets.

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

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

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

(4) If any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

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

88. If—

PART VI.

—cont.

As to evasion
by owners of
private street
works
expenses.

(i) any owner of land fronting adjoining or abutting on a street within the meaning of the Private Street Works Act 1892 and situate in the borough conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and

(ii) any expenses of works executed by the Corporation under the Private Street Works Act 1892 in or in relation to that street are apportioned on such part or portion of that land; and

(iii) the Corporation are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and

(iv) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the Private Street Works Act 1892;

then such expenses or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from that owner in the same manner as expenses of the execution of works under the Private Street Works Act 1892 may be recovered as though he had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

89. Where in the opinion of the Corporation repairs the cost of which will not exceed twenty pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect any statutory provisions for the time being in force relating to private street works and private improvement expenses or similar matters or of section 19 of the Public Health Acts Amendment Act 1907.

As to urgent
repairs of
private streets.7 Edw. 7.
c. 53.

90.—(1) At any time within one month after the deposit of the plans of any new building intended or adapted for use as a house (or where such plans have been approved but the erection of the building has not been begun before the passing of this Act at any time before the erection thereof has been commenced) the Corporation may by notice in writing require the provision either before the building is erected or before it is sold let or occupied (as

Means of
access to
buildings.

PART VI.
—cont.

the Corporation shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws or other provisions for the time being in force with respect to new streets.

(2) If it appears to the Corporation to be necessary that the means of communication to be provided under this section shall be in the form of a street the Corporation may by their notice require a new street to be laid out and if the construction of such means of communication appears to them necessary they may by their notice require constructional work in connection with such means of communication not exceeding that required for a new street by the byelaws or other provisions in force with respect to the construction of new streets.

(3) Where notice of a requirement under this section has been given by the Corporation to any person such person shall not begin to erect or proceed with the erection of any building to which the notice relates nor sell let or occupy such building (as the notice shall specify) until the notice of the Corporation has been complied with or until security has been given to the satisfaction of the Corporation that the notice will be complied with.

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

Undertakings
to bind
successive
owners.

91.—(1) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Corporation to or by the owner of any legal estate in land or property 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 shall be entitled to require from the Corporation a copy of such undertaking or agreement.

15 & 16 Geo. 5.
c. 22.

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

(3) Any such undertaking or agreement of such owner 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.

Saving for
railway
companies.

92. Nothing contained in the sections in this Part of this Act of which the marginal notes are—

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

“Frontage line in new streets” ; and

“As to urgent repairs of private streets” ;

shall extend or apply to any building (not being a house or building used as offices other than a building so used which forms part of a railway station) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any land held or acquired or which may hereafter be held or acquired by such company with the authority of Parliament so long as any such building railway work or land is used or held by the company primarily for railway purposes.

PART VI.
—cont.

PART VII.

SEWERS DRAINS &C.

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

Improper construction or repair of water-closet or drain.

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

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

Apportionment to frontagers of expenses of sewer constructed under public highway.

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

PART VII.
—cont.

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

(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.

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

95.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in or under land within the borough and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the next succeeding section of this Act the expenses so incurred so far as they do not exceed the sum authorised by that 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.

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

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

Provisions applicable to the last two preceding sections.

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

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

(3) 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.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of a 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 in question unless the erection of the building was completed before that date;

(b) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building. Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

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

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

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

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the

PART VII.
—cont.

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.

(9) 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 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 and the following provisions of the Public Health Act 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto that is to say:—

Subsections (2) to (4) of section 291;

Subsection (2) of section 293;

Section 329.

As to evasion
by owners of
sewerage
expenses.

97. If on a complaint by the Corporation to a court of summary jurisdiction it is proved to the satisfaction of the court—

(i) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land; and

(ii) that by reason of such disposition any part of the land has ceased to be or has not become land fronting adjoining or abutting on a street within the meaning of the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" or as the case may be of the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of construction of sewer before land became a street"; and

(iii) that the disposal of such portion of the land was effected with the intention and for the purpose of the evasion of the payment of expenses under the said sections of this Act;

then the court shall order that such expenses shall be apportioned on the land which immediately before the date of such conveyance sale lease or disposal included the land so conveyed sold leased or disposed of and thereafter such expenses may be recovered from the owner of any part of that land on which a new building within the meaning of the last preceding section of this Act is erected and shall be a charge on any such part of that land and on all estates and interests therein to the same extent and

in the same manner as any sum apportioned under either of the said sections of this Act of which the marginal notes are "Apportionment to frontagers of expenses of sewer constructed under public highway" and "Apportionment to frontagers of expenses of construction of sewer before land became a street" may be recovered and is charged on the premises under the said last preceding section of this Act.

PART VII.
—cont.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

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

Information to be furnished in case of notifiable disease.

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

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

Parents &c. to notify certain diseases.

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

(2) The diseases to which this section applies are notifiable diseases as defined by section 343 of the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

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

PART VIII.

—cont.

Restrictions on
attendance at
schools and
places of
assembly.

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

- (a) who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of a disease to which this section applies; or
- (b) who is suffering from a disease to which this section applies; or
- (c) who with the view of preventing the spread of a disease to which this section applies has been prohibited from attending school by the medical officer or school medical officer;

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

(2) The diseases to which this section applies are notifiable diseases as defined by section 343 of the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

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

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

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

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

(2) Any person responsible for the conduct or management of any Sunday school or day school or any department thereof or place of public entertainment or assembly wilfully failing to

comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds. PART VIII.
—cont.

(3) The diseases to which this section applies are notifiable diseases as defined by section 343 of the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

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

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

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

Removal of
infirm and
diseased
persons in
certain cases.

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

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

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under

PART VIII,
—cont.

this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be.

19 & 20 Geo. 5.
c. 17.

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

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

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

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

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

Supply of
antidotes
against notifi-
able disease.

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

Byelaws as to
the burning of
refuse.

104. Section 82 of the Public Health Act 1936 in its application to the borough shall be extended so as to empower the Corporation to make byelaws prescribing the times and the days of the week during which trade refuse may be set fire to or burned in yards and gardens.

PART IX.

HUMAN FOOD.

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

Registration of hawkers of meat fish fruit and vegetables and premises.

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

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

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

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

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

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

PART IX:
—cont.

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

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

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

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

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

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

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

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

Notice of
slaughter of
animal unfit
for food.

106.—(1) As from the commencement of this section where any person being the owner of any bull ox cow heifer calf sheep lamb goat or pig which is emaciated or diseased and unfit for food is about to slaughter the same or about to cause the same to be slaughtered he shall give not less than twelve hours' previous notice to the medical officer or sanitary inspector of such intention

and shall on the application of the medical officer or sanitary inspector within six weeks from the date of such slaughter furnish such information within his knowledge as the medical officer or sanitary inspector may reasonably require for the purpose of enabling enquiries to be made to trace the disposition of the carcasses or any part thereof.

PART IX.
—cont.

(2) Any person failing to give such notice or refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding ten pounds.

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

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

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

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

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

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

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

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

PART X.

FINANCIAL.

108.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the

Power to
borrow.

PART X.
—cont.

consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding the respective periods mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The provision of new water mains and other waterworks purposes.	£12,000	Thirty-five years from the date or dates of borrowing.
(b) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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

Restriction on borrowing.
2 & 3 Geo. 5.
c. 62.
3 & 4 Geo. 6.
c. 20.

109. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts 1939 and 1940 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

Application of Local Government Act 1933 to existing sinking funds of Corporation.

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

Receipts in case of minors.

111.—If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation.

Closing of registers.

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

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon.

113.—(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 "Bilston 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 209 210 211 212 213 and 214 of the Local Government Act 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

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

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

62 & 63 Vict.
c. 9.
7 Edw. 7. c. 13.

(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.

54 & 55 Vict.
c. 39.

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

Dividend
warrants
by post.

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

(3) The posting by the Corporation of an order for the payment of interest or a dividend warrant in pursuance of this

PART X.
—cont.

section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

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

45 & 46 Vict.
c. 61.

Use of moneys
forming part of
sinking and
other funds.

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

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

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

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

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

116.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Local Government Act 1933 in regard to the borrowing and repayment of money with or without modification and may make provisions in regard to all matters incidental to the objects aforesaid.

PART X.
—cont.
Scheme for
equated
periods.

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

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

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

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

117.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and forty-three the Corporation may (if they think fit) establish a fund to be called "the consolidated loans fund" to which shall be paid—

Consolidated
loans fund.

(a) all moneys borrowed by the Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the

PART X
—cont.

Corporation with due authority to another capital purpose; and

- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

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

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

(a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and

(b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation.

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

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

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

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

(b) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined

by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings. And in the accounts of the general rate fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

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

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

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

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

118.—(1) The Corporation may establish a fund to be called “the capital reserve fund” for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with any undertaking of the Corporation as from time to time existing from which revenue is derived) to an amount not exceeding two thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Corporation such sums out of the general rate fund as the Corporation may from time to time deem expedient. Provided that—

Capital reserve
fund.

(a) except as provided by subsection (2) (b) of this section any sum or sums so appropriated or paid to the capital reserve fund from the general rate fund shall not exceed in any financial year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925;

(b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty thousand pounds but if the fund is at any time reduced below the sum of twenty thousand pounds the Corporation may recommence and continue the appropriations and payments until the fund be restored to the sum of twenty thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

PART X.
—cont.

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

Renewal and
repairs fund.

119.—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called "the renewal and repairs fund" any sum not exceeding the equivalent of a rate of one penny in the pound calculated according to the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925.

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

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

- (a) the provision maintenance and renewal of horses carts mechanically propelled vehicles stables depots boilers equipment and apparatus in connection therewith; and
- (b) the maintenance and repair of paths and apparatus in public walks and pleasure grounds and of buildings; and
- (c) the maintenance and repair of buildings (not being buildings in respect of which the Corporation are required by the Housing Act 1936 to keep a housing repairs account);

which are not comprised in the undertakings of the Corporation as from time to time existing from which revenue is derived and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

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

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be carried to the renewal and repairs fund.

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

PART X.
—cont.
Receipts and
expenses.

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

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

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

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

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

121.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation as from time to time existing from which revenue is derived (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the last preceding section of this Act authorised in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

Accounts of
undertakings.

(a) the working and establishment expenses and cost of maintenance of the undertaking ;

PART X.
—cont.

- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes in pursuance of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds";
- (c) the requisite appropriations, instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain; and
- (f) any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is "Application of revenue of undertakings" other than the purpose mentioned in paragraph (e) of this subsection.

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

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

Application of
revenue of
undertakings.

122.—(1) If in respect of any year the moneys received by the Corporation on account of the revenue of any of the undertakings of the Corporation (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation out of the general rate fund in respect of that undertaking for the several purposes mentioned in paragraphs (a), (b), (c) and (d) of subsection (1) of the last preceding section the Corporation may in respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;

(b) In the renewal construction extension or improvement of any works and conveniences for the purposes of the undertaking ;

(c) In providing a reserve fund in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used in any other manner authorised by this Act) investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund from time to time prescribed by the Corporation.

(2) Any reserve fund which has been provided in respect of any undertaking of the Corporation and which is in existence on the first day of April one thousand nine hundred and forty-two shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

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

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

(c) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof ;

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

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

123.—(1) The three last preceding sections of this Act shall be deemed to have come into operation on the first day of April one thousand nine hundred and forty-two.

(2) As from the said date the following enactments so far as the same are still in force shall be repealed (that is to say) :—

Bilston Commissioners (Water) Act 1893—

Section 22 (Application of revenue) ;

Section 33 (Commissioners may provide a reserve fund) ;

Section 34 (General improvement rate to be resorted to to make up deficiency in revenue from water undertaking) :

Date of
operation
of certain
sections and
repeal.

PART X.
—cont.

Bilston Improvement Act 1896—

- Section 16 (Increase of reserve fund);
 Section 37 (Application of gas revenue);
 Section 38 (Deficiency in gas revenue);
 Section 39 (Council may provide a reserve fund);
 Section 48 (Tolls from the market &c. how to be applied);
 Section 49 (Application of revenue from markets);
 Section 56 (Application of revenue from cemeteries);
 Section 57 (Deficiency in revenue from cemeteries).

Recovery of
rate &c. from
persons
removing.

124. If a justice is satisfied on complaint by any officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate or any water rate or any water charge which may be due from him and intends to evade payment of the same by departing from the said premises 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 to seize forthwith and detain the goods and chattels of the defaulter until the complaint is determined upon the return of the summons.

As to recovery
of rates from
tenants and
lodgers.

125. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

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

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

Recovery of
rates from
certain
owners.

127.—(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 under and subject to which rates are recoverable from occupiers of rated hereditaments.

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

PART X.
—cont.

(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 hereditament to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the council.

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

Subscriptions to local government associations and other expenses.

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

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

PART XI.

MISCELLANEOUS.

129. It shall be lawful for the Corporation—

Provision of lectures.

(a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Corporation think fit and to let such rooms and to make reasonable charges for admission to such lectures ; and

(b) to provide suitable rooms for art exhibitions and to permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions :

Provided that the sum to be expended by the Corporation in any one year on the provision of lectures shall not exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one-third of a penny in the pound in addition to any moneys received by the Corporation under the provisions of this section.

PART XI.

—cont.

Power to
establish
information
bureaux.

130. The Corporation may establish and maintain or may subscribe towards the establishment and maintenance of an information bureau or information bureaux in the borough for the purpose of supplying information with regard to the borough and neighbourhood and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof.

Restriction
on right to
prosecute.

131. Section 298 of the Public Health Act, 1936 shall apply to offences created by or under this Act as if they were offences created by or under that Act.

As to appeals.

132.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part VI (Streets and buildings) Part VII (Sewers drains &c.) Part VIII (Infectious disease and sanitary provisions) or Part IX (Human food) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

(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 the Corporation with regard to the same matter.

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

PART XI.
—cont.

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

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

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

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

134. When any compensation costs damages or expenses is or are by this Act or by any local Act or Order for the time being in force in the borough 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 of the Public Health Act 1936. Compensation
how to be
determined.

135. Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the sanitary inspector or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses payable by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly. In executing
works for
owner
Corporation
liable for
negligence
only.

PART XI.

—cont.

Apportionment of expenses in case of joint owners.

136. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Damages and charges to be settled by court.

137. 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.

Application of Arbitration Acts 1889 to 1934.

138. 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.

Breach of conditions of consent of Corporation.

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

Application of section 265 of Public Health Act 1875.

140. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Inquiries by Minister.

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

Application of provisions of Public Health Act 1936.

142.—(1) The sections of the Public Health Act 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 275 (Power of local authority to execute certain work on behalf of owners or occupiers);

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 293 (Recovery of expenses &c.) ;
 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).

(2) The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable to Part VI (Streets and buildings) Part VII (Sewers drains &c.) Part VIII (Infectious disease and sanitary provisions) and Part IX (Human food) of this Act (that is to say) :—

- Section 277 (Power of councils to require information as to ownership of premises) ;
 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 295 (Power of local authority to grant charging orders) ;
 Section 329 (Saving for certain provisions of the Land Charges Act 1925).

143.—(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 registration of any person or premises the application for the registration may be made and determined before the provision comes into operation.

Commence-
ment of
certain
provisions
of this Act.

PART XI,
—cont.

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

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

“Parents &c. to notify certain diseases”;

“Restrictions on attendance at schools and places of assembly”;

“Registration of hawkers of meat fish fruit and vegetables and premises”;

“Notice of slaughter of animal unfit for food.”

(4) As respects any of the said provisions which requires the 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 registration as is required by this Act;

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

For protection
of electricity
undertakers.

45 & 46 Vict.

c. 56.

62 & 63 Vict.

c. 19.

144. Nothing in Parts II, IV or V of this Act shall—

(i) extend to or authorise any interference by the Corporation with any works or apparatus of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 or of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 apply except in accordance with and subject to the provisions of those sections nor shall anything in the said Parts authorise the carrying out of any works near to which any works or apparatus of such undertakers have been lawfully placed except in accordance with and subject to the provisions of section 18 of the said schedule and the provisions of the said sections 15 and 17 shall be deemed to extend to any such works or apparatus constructed upon or above the level of the ground; or

(ii) prevent or affect the exercise by any such undertakers or by the Corporation of any rights or powers under those provisions.

145. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

PART XI.
—cont.
Saving for
indictments
&c.

146. Paragraph (d) of subsection (2) and subsection (4) of section 1 of the Emergency Powers (Defence) Act 1939 as amended by subsection (2) of section 1 of the Emergency Powers (Defence) Act 1940 shall have effect as if this Act had been passed before the commencement of the last-mentioned Act.

Application of
Emergency
Powers
(Defence) Acts
1939 and 1940.

147. The following enactments are hereby repealed:—

Repeal.

Bilston Commissioners (Water) Act 1893—

Section 5 (Act to be executed by Commissioners);

Section 15 (Power to purchase additional land for water-works purposes);

Subsection (5) of section 25 (As to repayment of borrowed moneys);

Section 26 (Power to borrow under Local Loans Act 1875);

Section 27 (Power to re-borrow);

Section 32 (Annual return to Local Government Board with respect to sinking funds and instalments):

Bilston Improvement Act 1896—

Section 15 (Limit of pressure);

Section 58 (Deposit of plan to be void after certain intervals);

Section 59 (As to plans deposited with the council);

Section 62 (Intersecting streets);

Section 89 (Annual return to Local Government Board):

Provided that nothing in this section shall affect the operation of section 58 of the *Bilston Improvement Act 1896* as regards plans deposited before the passing of this Act.

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

149. All 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 in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose. 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 five 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 price lower 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 revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the town hall Bilston 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 of the Corporation 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 give a new certificate in lieu of the certificate lost or destroyed.

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

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

No.

BOROUGH OF BILSTON.

BILSTON CORPORATION BONDS.

per centum Bilston Corporation bond repayable at par on
the 19
at the town hall Bilston

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 Bilston under the Bilston Corporation
Act 1942 at

The corporate seal of the
mayor aldermen and
burgesses of the borough
of Bilston 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 Corporation bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

BILSTON 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 condi-
tions aforesaid

As witness our hands and seals this day
of in the year of our Lord one thousand nine
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 Bilston Corporation bonds" 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.—(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.

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

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

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