



### CHAPTER cliv.

An Act to confer further powers upon the Mayor Aldermen and Burgesses of the County Borough of Croydon. A.D. 1895.  
[6th July 1895.]

**W**HEREAS the county borough of Croydon in the county of Surrey (in this Act called "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act called "the Corporation") and the Corporation acting by the council of the borough are the sanitary authority for the borough with the powers and obligations of an urban sanitary authority :

And whereas the Corporation were authorised by the Croydon Improvement Act 1890 (herein-after referred to as "the Act of 1890") to widen and improve and have widened and improved High Street and Surrey Street within the borough to stop up and have stopped up certain streets called Bell Hill Market Street Middle Street Streeter's Hill Oak Alley and King Street within the borough and certain passages courts and places and to construct and have constructed a new street as authorised by the Act of 1890 and have let upon building leases certain lands fronting to or abutting upon High Street and Surrey Street aforesaid and the said new street and propose to let the remaining lands which front or abut upon the said streets and it is expedient that the powers of the Corporation with respect to the retention and disposal of such lands should be amended :

And whereas it is expedient that the Corporation as the library authority of the borough and the library authorities of neighbouring library districts should be empowered to enter into and to carry into execution agreements for the purposes in this Act mentioned :

A.D. 1895.

And whereas it is expedient that further powers be conferred upon the Corporation in relation to the following subject matters (that is to say) :—

- Water supply ;
- Library ;
- Buildings and streets and fencing of waste land ;
- Sanitary regulations ;
- Borrowing of moneys ;

And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the 17th day of December 1894 after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Croydon Times" a local newspaper published or circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged upon the borough rate and borough fund :

And whereas such resolution was published twice in the said "Croydon Times" newspaper and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the 14th day of January 1895 being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in Schedule III of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

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

#### PART I.

#### PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the Croydon Corporation Act 1895.

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

A.D. 1895.

- Part I.—Preliminary.
- Part II.—Water.
- Part III.—Library.
- Part IV.—Buildings and streets.
- Part V.—Sanitary.
- Part VI.—Finance.
- Part VII.—Miscellaneous.

Division of Act into parts.

3. This Act except where otherwise expressly provided shall apply exclusively to the borough.

Limits of Act.

4. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to the construction (that is to say):—

Interpretation of terms.

- “The borough” means the county borough of Croydon;
- “The Corporation” means the mayor aldermen and burgesses of the borough acting by the council;
- “The council” means the town council of the borough;
- “The town clerk” “the borough engineer” “the surveyor” and “the inspector of nuisances” mean respectively the town clerk the borough engineer the surveyor and the inspector of nuisances of the borough;
- “The medical officer of health” means the medical officer of health for the borough and includes any person duly authorised to act temporarily as medical officer of health;
- “Dwelling-house” means any building or part thereof used intended constructed or adapted to be used wholly or principally for human habitation by day or night;
- “The Public Health Acts” means the Public Health Act 1875 and any Act amending the same “The Act of 1884” and “the Act of 1890” respectively mean the Croydon Corporation Act 1884 and the Croydon Improvement Act 1890;
- “Daily penalty” means a penalty to accrue for each day on which the offence is continued after conviction thereof:

Terms to which meanings are assigned by the Public Health Acts have in this Act the same respective meanings unless there is something in the subject or context repugnant to such construction.

5. Subject to the provisions of this Act this Act shall be carried into execution by the council.

Act to be executed by the council.

PART II.  
WATER.

6. The Corporation may make byelaws applicable throughout the borough or at the option of the Corporation to be declared in

Byelaws as to waste &c. of water.

A.D. 1895. such byelaws applicable in any part or parts only of the borough for preventing waste misuse erroneous measurement undue consumption or contamination of the water supplied by the Corporation (that is to say) :—

- (1) The Corporation may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse erroneous measurement or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and mode of arrangement connexion disconnexion alteration and repair of the pipes cisterns meters cocks apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before-mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination :
- (2) No such byelaws shall be of any force or effect except within the part or parts of the borough which the Corporation are bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure Provided always that in any part or parts of the borough to which such byelaws shall be made applicable such supply shall be constantly laid on at such a pressure as will make the water reach the top storey of the highest houses therein :
- (3) The provisions contained in sections 182 to 184 and in section 185 (except so much thereof as relates to a rural authority) and in section 186 of the Public Health Act 1875 shall apply to such byelaws and to offenders against the same :
- (4) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable.

### PART III.

### LIBRARY.

7. The library authority of the borough and any one or more of the library authorities of the neighbouring library districts in

Library  
authorities

the administrative county of London may agree to share in such proportions and for such period as may be determined by the agreement the cost of the purchase erection repair and maintenance of any library building situate in one of such districts and also the cost of the purchase of the books and newspapers for such library and all other expenses connected with the same in like manner and with all such powers as would apply if the said library districts were neighbouring urban districts combined for carrying the Libraries Act 1892 into execution and the library authorities of such districts were urban authorities within the meaning of the Public Libraries Acts 1892 and 1893.

A.D. 1895.  
 ———  
 may agree to share cost of erection &c. of libraries for joint use of library districts.

PART IV.

BUILDINGS AND STREETS.

8. From and after the passing of this Act—

The erection of any building ;

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down as to leave only the framework of the ground floor storey thereof ;

The conversion into or using as a dwelling-house of any building or part of a building not originally constructed for human habitation ;

The conversion into one dwelling-house of two or more dwelling-houses constructed originally as two or more dwelling-houses ;

The conversion into or using as two or more dwelling-houses of any building constructed originally as one dwelling-house ;

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the borough into a building which had it been originally erected in its converted form would have been within the operation of those byelaws ;

The re-conversion into or using as a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than a dwelling-house ;

The conversion into a dwelling-room of any room or part of a room used as a shop ;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only ; and

The roofing or covering over of an open space between walls or buildings ;

What to be deemed new buildings.

A.D. 1895. shall for all the purposes of this part of this Act and of the Act of 1884 and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a "new building."

As to temporary or moveable buildings.

9.—(1) Before any person erects or sets up any temporary or moveable building (not being a new building within the meaning of this Act) he shall apply to the Corporation for permission so to do and such application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surrounding of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

(2) The Corporation shall within twenty-one days after the delivery of the plans and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

(3) The Corporation may attach to their approval any condition which they deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such building is commenced erected or set up without such application accompanied by such plans sections and specification or after the disapproval of the Corporation or before the expiration of the said twenty-one days without such approval or is in any respect not in conformity with any condition attached by the Corporation to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Corporation or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Corporation may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion.

(5) The following buildings and works shall be exempt from the operation of this section:—

(a) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the borough with respect to new buildings and any tent or stand not remaining for more than seven days;

A.D. 1895.

- (b) Any wooden or other structure or erection of a moveable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Corporation may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion; and
- (c) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition of right of light.

**10.** No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof 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 twenty shillings.

No buildings allowed until street formed &c.

**11.** Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws with respect to the materials with which new buildings shall be constructed and with respect to the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings.

Byelaws as to building materials.

**12.—(1)** Where any street in the borough is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain No new

Corporation may define future line of streets.

A D. 1895. building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street than such line.

(2) The Corporation may and if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the centre of the street and the same when purchased shall vest in the Corporation as part of the street.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land or building for any loss or damage they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept All compensation under this section shall in case of difference be settled by arbitration in manner provided by the Public Health Act 1875.

(4) If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty of the like amount.

Elevation of buildings erected on front land to be subject to approval of Corporation.

13. All buildings or parts of buildings which may in future be erected on the site of any building or any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation and in case the Corporation for the space of one month after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Exemption of Government property from

14. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her



heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

A.D. 1895.  
building  
regulations.

15. Nothing in this part of this Act or in any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

Saving for  
railway  
companies.

16. Every person desirous of forming a communication for horses or vehicles across any kerbed footpath so as to afford access to any premises from a highway shall first give notice in writing of such desire to the Corporation and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the borough engineer and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such a communication as aforesaid has been so made he shall for each such offence be liable to a penalty not exceeding forty shillings.

Crossings  
for horses  
or vehicles  
&c. over  
footways.

17. Whenever the Corporation put in force the provisions of section 150 of the Public Health Act 1875 they may if they think just resolve that in settling the apportionment regard shall be had to the following considerations (that is to say) :—

As to private  
street works.

(a) The greater or less degree of benefit to be derived by any premises from such works ;

(b) The amount and value of any work already done by the owners or occupiers of any such premises :

They may also if they think just include any premises which do not front adjoin or abut on the street or part of a street but access to which is obtained from the street through a court passage or otherwise and which in their opinion will be benefited by the works and may fix the sum or proportion to be charged against any such premises accordingly.

18. If any land adjoining any street is allowed to remain unfenced or the fences thereof to be or remain out of repair and such land is in the opinion of the Corporation owing to the absence or inadequate repair of such fence a source of danger to passengers

Waste land  
to be fenced.

A.D. 1895.

or is or may be used for any immoral or indecent purposes or for any purpose causing inconvenience or annoyance to the inhabitants of adjoining property or to the public then after the expiration of fourteen days notice from the town clerk to the owner or occupier of the same or without any notice if the Corporation are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Corporation may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred shall be recoverable from such owner or occupier in any court of summary jurisdiction.

PART V.

SANITARY.

Inspection of drains &c.

**19.** The Corporation if they have reasonable grounds for believing the existence of a nuisance may inspect any drain sanitary convenience or cesspool or any water supply sink trap syphon pipe or other work or apparatus connected therewith and for that purpose or for the purpose of ascertaining the course of any such work the borough engineer medical officer of health or inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twelve hours notice in writing has been given to the occupier of the premises to which such drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises and in case of emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the borough engineer medical officer of health or inspector of nuisances or their authorised assistants think fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the borough engineer medical officer of health or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds. If such drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work and apparatus be found on inspection as aforesaid to be properly made in accordance with the Acts and byelaws in force within the borough and in proper order and condition the Corporation shall cause the same to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Corporation and full compensation shall be made by them for all damage or injury done or occasioned

by such examination. If upon such inspection any drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work or apparatus appear not to have been properly made as aforesaid or to be in bad order and condition or to require cleansing alteration or amendment or to be filled up the Corporation shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to place the work in proper order and condition and if such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings or the Corporation if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

20. (a) Any premises in such a state as to be dangerous to health ;
- (b) Any cistern watercloset earthcloset or dung-pit so foul or in such a state as to be a nuisance or injurious or dangerous to health ;
- (c) Any pool ditch gutter watercourse privy urinal cesspool drain or ash-pit so foul or in such a state as to be dangerous to health ;
- (d) Any animal kept in such a place or manner as to be dangerous to health ;
- (e) Any accumulation or deposit which is dangerous to health ;
- (f) An occupied house without a proper and sufficient water supply or the absence in respect of any such house of proper water fittings ;

Extending definition of nuisances.

shall be deemed to be a nuisance within the meaning of section 91 of the Public Health Act 1875.

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

Wilful damage to drains.

22.—(1) Any dwelling-house without a proper and sufficient water supply shall be deemed to be unfit for human habitation within the meaning of section 97 of the Public Health Act 1875.

Provisions as to houses without proper water supply.

A.D. 1895.

(2) No new building shall be occupied as a dwelling-house until a proper and sufficient water supply shall have been provided thereto to the satisfaction of the borough engineer and if any building shall be occupied contrary to the provisions of this section the owner of such building if he shall occupy or allow to be occupied such building and every person who shall wilfully and knowingly occupy such building as a dwelling-house shall be deemed to have committed an offence against the provisions of this section and shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Water supply to closets.

**23.** Every watercloset shall have a good supply of water laid on and an efficient flushing apparatus attached thereto and shall have an opening as near to the top as practicable communicating directly with the external air or shall be otherwise furnished with sufficient means of ventilation. And the pipes immediately supplying water to a watercloset and to the flushing apparatus attached thereto shall be so arranged that water for any other purpose than flushing the closet cannot be drawn therefrom.

Any owner of any building who after twenty-eight days notice in writing so to do fails to provide and maintain efficient flushing apparatus or means of ventilation for any watercloset in or connected with such building in accordance with the provisions of this section and any occupier of any such building who fails to keep a good supply of water to any such watercloset in accordance with the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Mode of drainage not to be altered without consent of Corporation.

**24.** The mode of drainage of any building erected in the borough since the Local Government Acts came into force shall not be altered without notice to the Corporation. Any person who shall without such notice alter the mode of drainage of any such building shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Corporation may require removal or alteration of urinals.

**25.** If any urinal or other sanitary convenience now or hereafter erected in or opening on any street shall in the opinion of the Corporation be so placed or constructed as to be a nuisance or offensive to public decency the Corporation by notice in writing may require the owner to remove such urinal or convenience to a place to be specified by them free from such objection. Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings. Provided that nothing in this section contained shall extend or apply to any urinal or convenience now or hereafter to be erected by any railway company at or within any railway station or station yard.

**26.** Where any inn public house beer house eating house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Corporation may by notice in writing require the owner of such inn public house beer house eating house or other place of public entertainment to provide and maintain on the premises in a position to be specified in the order a urinal or urinals to the satisfaction of the Corporation Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

A.D. 1895.

Urinals to be attached to refreshment houses &c.

**27.** Every person who without being registered in accordance with section 77 of the Public Health Act 1875 keeps a common lodging-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalties on unregistered common lodging-house keepers.

**28.** The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position.

Power to refuse registration of common lodging-house keepers.

## PART VI.

### FINANCIAL.

**29.** The Corporation may from time to time borrow at interest on the security of the district fund and general district rate—

Power to borrow.

(a) For purposes of or in connexion with the street improvement works authorised by the Act of 1890 any money authorised by that Act to be borrowed with the sanction of the Local Government Board for such purposes and the borrowing whereof shall have been sanctioned by the said Board :

(b) For payment of the costs charges and expenses of this Act as defined by the section of this Act whereof the marginal note is "Costs of Act" the sum or sums requisite for that purpose.

**30.** It shall not be lawful for the Corporation after the passing of this Act to create or issue irredemable stock or to invest any loans fund or sinking fund of the Corporation in any securities of the Corporation or any securities transferable by delivery.

Repeal of power to issue irredemable stock.

**31.** The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted in respect

Provisions of Public Health Act

A.D. 1895.

as to mortgages to apply.

Repayment of money borrowed.

Mode of payment off of money borrowed.

of moneys borrowed under this Act or the Act of 1890 (that is to say) :—

- Section 236 (Form of mortgage) ;
- Section 237 (Register of mortgages) ;
- Section 238 (Transfer of mortgages) ;
- Section 239 (Receiver may be appointed in certain cases).

**32.** The Corporation shall pay off all moneys borrowed by them under this Act or the Act of 1890 within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :—

As to moneys borrowed with the sanction of the Local Government Board within such period not exceeding sixty years as that Board may think fit to sanction ;

As to moneys borrowed for payment of the costs charges and expenses of this Act within five years from the date of borrowing the same.

**33.—(1)** The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act or the Act of 1890 either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made prior to the thirty-first day of March next following the time of borrowing the sum in respect of which the payment is made.

(2) The following provisions shall apply in regard to any sinking fund to be formed under this Act :—

(a) The Corporation in every year shall pay and set apart out of the district fund or general district rate such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period :

(b) The yearly sums so paid and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in statutory securities as defined by the Act of 1884 as amended by this Act and if and as often as the rate of interest by investment is not equal to the prescribed rate of accumulation any deficiency arising thereby shall be made good out of the fund or rate liable to contribute to the sinking fund :

(c) The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed

A.D. 1895.

moneys in such order and manner as they deem proper  
 Provided that in such case they pay into such sinking fund in  
 each year afterwards and accumulate as herein-before prescribed  
 until the whole of such borrowed moneys are discharged a sum  
 equal to the interest produced by the sinking fund or part  
 thereof so applied at the rate per centum on which the equal  
 annual payments to the sinking fund are based :

(d) Whenever and so long as the value of the securities standing  
 to the credit of the sinking fund taken at the market price  
 of the day shall be equal to the amount of the borrowed  
 moneys the Corporation may in lieu of investing the yearly  
 income of the said securities apply the same in payment of  
 the interest on the borrowed moneys and may during such  
 periods discontinue the payment to the sinking fund of the  
 yearly sums required to be so paid thereto.

**34.** If the Corporation pay off any moneys borrowed by them  
 under this Act or the Act of 1890 otherwise than by instalments  
 appropriations or annual repayments or by means of a sinking fund  
 or out of the proceeds of the sale of land or other property or out of  
 fines or premiums on leases or out of other moneys received on capital  
 account not being borrowed moneys they may from time to time  
 re-borrow the same but all moneys so re-borrowed shall be repaid  
 within the prescribed period and shall be deemed to form the same  
 loan as the moneys originally borrowed and the obligations of the  
 Corporation with respect to the repayment of the loan and to the  
 provision to be made for such repayment shall not be diminished by  
 reason of such re-borrowing.

Power to  
re-borrow.

**35.** A person lending money to the Corporation under this Act  
 or the Act of 1890 shall not be bound to inquire as to the observance  
 by them of any provisions of this Act or the Act of 1890 or be  
 bound to see to the application or be answerable for any loss or  
 non-application of the money lent or of any part thereof.

Protection  
of lender  
from inquiry.

**36.** Moneys borrowed or raised by the Corporation under this  
 Act or the Act of 1890 shall be applied only to the purpose in respect  
 of which they were authorised to be borrowed or raised and to which  
 capital is properly applicable.

Application  
of money  
borrowed.

**37.** The town clerk shall within twenty-one days after the  
 thirty-first day of March in each year during which any sum is  
 required to be set apart for a sinking fund or any instalment is  
 required to be paid under this Act or the Act of 1890 transmit to the  
 Local Government Board a return in such form as may be prescribed  
 by that Board and verified by statutory declaration if so required by  
 them showing the amount which has been paid as an instalment or

Annual  
return to  
Local Go-  
vernment  
Board with  
respect to  
sinking  
fund.

A.D. 1895.

invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act or the Act of 1890 for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Saving for existing charges.

**38.** Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

#### PART VII.

#### MISCELLANEOUS.

Undertakings &c. to bind successive owners.

**39.**—(1) Every undertaking or agreement in writing given after the passing of this Act by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in



title and upon the Corporation and may be enforced by either party in any court of summary jurisdiction by a penalty not exceeding five pounds for each breach of such undertaking or agreement and a daily penalty not exceeding twenty shillings for each such breach and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement.

(2) The Corporation shall keep a register of such undertakings and agreements and within seven days after the date of any such undertaking or agreement an entry thereof shall be made in the register showing the names and descriptions of the parties thereto and the purport of the undertaking or agreement.

(3) Every such register shall be open to inspection by any person at all reasonable times on payment of a sum not exceeding one shilling in respect of each name or property searched for and the Corporation shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Corporation and any sums received under this sub-section shall be carried to the credit of the borough fund.

(4) If the town clerk or other person having the custody of such register shall refuse to allow such inspection or to furnish such copies he shall be liable to a penalty not exceeding five pounds for each such refusal such penalty to be recoverable by the person aggrieved in a summary manner.

**40.** All penalties imposed by this Act shall be recovered in manner provided by the Summary Jurisdiction Acts. Recovery of penalties.

**41.** Where 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 by any Act or byelaw 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. As to consent of Corporation.

**42.** From and after the passing of this Act section 21 of the Act of 1890 shall be amended as follows:— Amendment of s. 21 of Act of 1890 (power to retain sell &c. lands).

(a) The words in that section (“not exceeding ten years”) shall be repealed;

(b) The following words shall be added to that section at the end thereof:—

“Provided that the Corporation shall absolutely sell and  
“dispose of the reversion of any lease of such lands granted  
“by them within ten years from the date of such lease.”

**43.** The Corporation may from time to time with the consent of the Local Government Board appropriate and use for the purposes Appropriation of lands.

A.D. 1895.

of this Act the Act of 1884 the Public Health Acts or any other Act which the Corporation are for the time being empowered to execute any lands for the time being vested in them as a municipal or urban sanitary authority and not required for the purposes for which they were acquired.

Application  
of moneys.

44. Notwithstanding section 84 of the Act of 1884 the Corporation may subject to the consent of the Local Government Board apply towards the cost of the works authorised by the sanctions of that Board mentioned in the First Schedule hereto the moneys raised under but not expended for the purposes of the sanctions of the said Board mentioned in the Second Schedule hereto.

Form and  
service of  
notices by  
Corporation.

45.—(1) Any instrument (other than a conveyance contract or security but including a notice to treat or offer of compensation under the Lands Clauses Acts notice order resolution declaration requisition consent approval disapproval demand licence of a house or other place for music or for dancing licence under the Race Course Licensing Act 1879 licence of house or other place for the public performance of stage plays licence under the Explosives Act 1875 licence to keep petroleum under the Petroleum Act 1871 pawnbrokers certificate licence to a dealer in game licence for a knacker's yard or other document) granted made given delivered or served by the Corporation under this or any other Act or any bye-law shall be sufficiently authenticated and shall be binding on the Corporation if signed (or in the case of a notice by the name in print) by the town clerk or his deputy.

(2) Where any such instrument is required to be given to or served on the owner or occupier of any premises it shall be sufficient to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any adjoining or neighbouring premises collectively and when so addressed may be served on more owners or occupiers than one provided that separate copies be served on the respective owners and occupiers of the premises concerned.

(3) Any such instrument may be served on any such owner occupier or other person either personally or on his known agent or by sending the same through the post in a prepaid letter addressed to him or to his known agent by name at his last known place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or in case of an occupier to any inmate of the premises in respect of which it is given or served or if the premises are unoccupied and the place of abode of the person to be served is after diligent inquiry unknown

it shall be sufficient to affix it or a copy thereof on some conspicuous part of such premises Provided that where any such instrument is required to be served on any railway company incorporated by Act of Parliament or other company such instrument shall be served at the office of the secretary of such company or forwarded to him by post in a letter addressed to the head office or registered office of such company.

A.D. 1895.

46. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of moneys borrowed under the powers of this Act and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Borough Funds Act 1872 with respect to the Bill for this Act and all matters relating thereto.

Costs of Act.

## SCHEDULES.

### FIRST SCHEDULE.

A.D. 1895.

AMOUNTS OVERSPENT ON LOANS TO MARCH 25TH 1894.

No. of Sanction.	Date of Sanction.	Amount of Sanction.	Expenditure.			Overspent.		
		£	£	s.	d.	£	s.	d.
4	1884. May 17th	2,825	2,852	6	0	27	6	0
5	" "	2,800	5,505	7	2	2,705	7	2
	1886.							
10	January 22nd	250	255	5	3	5	5	3
11	" "	240	291	14	7	51	14	7
15	June 24th	47,593	47,870	3	7	277	3	7
	1887.							
18	June 23rd	4,000	4,044	8	2	44	8	2
21	" "	800	808	10	2	8	10	2
22	" "	600	626	7	7	26	7	7
23	December 5th	2,522	3,000	7	6	478	7	6
24	" "	1,228	1,940	5	2	712	5	2
25	" "	550	609	18	1	59	18	1
	1888.							
28	March 19th	850	873	15	0	23	15	0
29	" "	1,200	1,436	4	11	236	4	11
31	" "	500	539	10	10	39	10	10
32	" "	250	345	19	5	95	19	5
33	August 27th	18,700	18,985	10	7	285	10	7
	1889.							
38	October 23rd	840	872	13	4	32	13	4
	1891.							
45	February 20th	500	530	15	10	30	15	10
46	April 30th	1,850	1,854	3	0	4	3	0
48	July 18th	3,500	3,699	12	10	199	12	10
53	November 24th	325	365	14	9	40	14	9
	1893.							
57	March 27th	18,900	19,231	9	8	331	9	8
61	" "	450	452	9	1	2	9	1
65	May 24th	4,150	4,568	11	6	418	11	6
		£ 115,423	121,561	4	0	6,138	4	0

## SECOND SCHEDULE.

A.D. 1895.

## AMOUNTS UNDERSPENT ON LOANS TO MARCH 25TH 1894.

No. of Sanction.	Date of Sanction.	Amount of Sanction.	Expenditure.	Underspent.
	1884.	£	£ s. d.	£ s. d.
2	May 17th	2,004	1,745 4 2	258 15 10
6	June 23rd	2,500	2,391 0 4	108 19 8
	1886.			
9	January 22nd	1,000	968 17 6	31 2 6
12	February 25th	350	332 5 8	17 14 4
16	October 6th	7,600	6,740 9 8	859 10 4
19	June 23rd	2,000	1,449 8 3	550 11 9
20	"	850	809 10 2	40 9 10
	1888.			
30	March 19th	1,125	1,064 12 3	60 7 9
	1889.			
35	July 30th	5,600	4,620 2 0	979 18 0
36	"	7,400	6,445 6 3	954 13 9
	1893.			
59	March 27th	1,770	1,751 3 4	18 16 8
63	April 17th	4,200	4,101 8 2	98 11 10
67	May 24th	1,100	999 15 1	100 4 11
		£ 37,499	33,419 2 10	4,079 17 2

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