



## CHAPTER cclxvii.

An Act to extend the boundaries of the Borough of Derby and to empower the Corporation to construct tramways additional waterworks sewerage and sewage disposal works street widenings and improvements to repeal sections 43 to 46 both inclusive of the Derby Corporation Act 1877 and to confer further powers in regard to the health local government and improvement of the Borough and for other purposes. A.D. 1901.

[17th August 1901.]

**W**HEREAS the existing borough of Derby in the county of Derby is a municipal borough under the management and local government of the mayor aldermen and burgesses of the borough acting by the council (in this Act called "the Corporation") and the Corporation acting as aforesaid are the urban sanitary authority and the burial board for the existing borough :

And whereas the existing borough is a county borough within the meaning of the Local Government Act 1888 :

And whereas the existing borough is also a Parliamentary borough and the limits of the Parliamentary borough and municipal borough are at the date of the passing of this Act conterminous and co-extensive :

And whereas the existing borough has a separate commission of the peace with a justices' clerk and a separate court of quarter sessions with a recorder and clerk of the peace and a borough court of record and a judge and registrar thereof and a coroner and a separate police force :

And whereas extensive powers with regard to water tramways electric lighting and improvement and the government of the borough have been conferred upon the Corporation by the Acts and Orders enumerated in the First Schedule to this Act :

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And whereas the Corporation have adopted the provisions of the Public Health Acts Amendment Act 1890 Part III. and these provisions are accordingly in force in the existing borough :

And whereas the Baths and Washhouses Acts the Public Libraries Acts and the Technical Instruction Acts are in force in the existing borough :

And whereas the parts of parishes described in the Second Schedule to this Act are already or are in process of becoming populous suburbs of the existing borough and are within the water supply limits of the Corporation and are largely dependent for the disposal of their sewage on the sewers of the Corporation :

And whereas it is expedient for reasons of health and good government to extend the boundaries of the existing borough by the inclusion in the borough of the said areas (herein-after referred to as "the added areas") :

And whereas it is expedient to make provision for the division into wards of the extended borough and for the municipal representation of the inhabitants of the added areas :

And whereas the borough as extended by this Act will include parts of the parishes of Alvaston and Boulton Chaddesden Normanton Osmaston and Spondon all in the county of Derby :

And whereas the part of the parish of Alvaston and Boulton to be included in the extended borough is within the district of the Alvaston and Boulton Urban District Council :

And whereas the parts of the parishes of Chaddesden Normanton Osmaston and Spondon to be included in the extended borough are within the district of the Shardlow Rural District Council :

And whereas the parts of the parishes of Chaddesden Normanton Osmaston and Spondon to be included in the extended borough are under the jurisdiction of the Chaddesden Normanton Osmaston and Spondon Parish Councils respectively :

And whereas the parts of the parishes of Alvaston and Boulton Normanton and Osmaston to be included in the extended borough are under the jurisdiction of the Alvaston and Boulton Normanton and Osmaston School Boards respectively :

And whereas the parts of the parishes of Normanton and Spondon to be included in the extended borough are under the jurisdiction of the Normanton and Spondon Burial Boards respectively :

And whereas it is expedient that the Osmaston Parish Council be dissolved and its powers rights duties liabilities and properties so far as the same relate to the included part of the parish of Osmaston transferred to the Corporation and that the included parts of the several parishes of Alvaston and Boulton Chaddesden Normanton



Osmaston and Spondon be respectively detached from the jurisdiction of the urban district council rural district council parish councils school boards burial boards and other authorities :

And whereas it is expedient that the Osmaston School Board be dissolved and its powers rights duties liabilities and properties transferred to the Derby School Board :

And whereas the parts of the parishes of Alvaston and Boulton Chaddesden Normanton Osmaston and Spondon included in the extended borough are situate within the Shardlow Poor Law Union :

And whereas the existing borough is one parish called the parish of Derby :

And whereas the Derby Poor Law Union comprises the parishes of Derby and Darley Abbey :

And whereas it would be of local and public advantage to detach the added areas from the Shardlow Poor Law Union and amalgamate the same with the parish of Derby :

And whereas it is expedient that the added areas should be detached from the jurisdiction and powers of the county council justices of the peace coroners and officers of the county of Derby and from the school highway and burial boards boards of guardians district councils school attendance committees parochial committees parish meetings commissioners overseers lighting and other local authorities bodies and officers having jurisdiction therein and that the Corporation should be constituted the sole authority for all municipal local and sanitary purposes within the extended borough :

And whereas it is expedient to make provision for the equitable adjustment of the rights property and liabilities of the several authorities affected by the extension of the existing borough in pursuance of this Act :

And whereas it is expedient that the Corporation be constituted the burial board for the extended borough :

And whereas the Derby School Board is the school board for the existing borough and it is expedient that such school board should be the school board for the extended borough :

And whereas it is expedient that the Corporation should be empowered to construct the tramways waterworks sewerage and sewage disposal works herein-after described :

And whereas it is expedient that there should be one scheme for the treatment and disposal of the sewage of the area in this Act defined as the main drainage area and that obligations and powers in that behalf should respectively be conferred and imposed as herein-after enacted :

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And whereas the urban district council and the rural district council are respectively carrying out certain sewerage and sewage disposal works for the parishes of Alvaston and Boulton and Normanton respectively :

And whereas it is expedient that the Corporation should be empowered to make and maintain the street widenings and other works and to exercise the other powers and to acquire the lands in this Act respectively mentioned or referred to :

And whereas it is expedient that the Corporation should be empowered to erect fit up and maintain a crematorium :

And whereas it is expedient that further powers should be conferred upon the Corporation with reference to streets buildings sewers and drains within the borough and further provision made for the health local government and improvement of the borough :

And whereas it is expedient to confer further powers upon the Corporation with respect to the making levying and collection of rates :

And whereas it is expedient that the Corporation should establish a superannuation fund for their permanent fire brigade :

And whereas it is expedient to repeal sections 43 to 46 both inclusive of the Derby Corporation Act 1877 as herein-after provided :

And whereas estimates have been prepared by the Corporation in relation to the following purposes of this Act (including the acquisition of lands) and the same amount to the sums following (that is to say) :—

	£
For tramway purposes (including generating station)	234,531
For waterworks purposes - - - -	50,962
For sewerage and sewage disposal purposes - -	290,000
For street widenings and works - - - -	24,570
For crematorium - - - -	2,500
For technical college purposes - - - -	6,000

and it is expedient that the Corporation be authorised to borrow the said sums and also such other sums as are in this Act mentioned :

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas plans and sections of the tramways waterworks sewerage and sewage disposal works street widenings and other works authorised by this Act and plans showing the lands which the Corporation may acquire under the powers of this Act with



books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Derby which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the twelfth day of December one thousand nine hundred after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the *Derbyshire Advertiser* a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged upon the borough fund and rate or other the public funds or rates under the control of the council :

And whereas such resolution was published twice in the said *Derbyshire Advertiser* and has received the approval of the Local Government Board and of one of His Majesty's Principal Secretaries of State :

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 sixth day of February one thousand nine hundred and one being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

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

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

## PART I.

### PRELIMINARY.

1. This Act may be cited as the *Derby Corporation Act* Short title. 1901.

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Subdivision  
of Act into  
Parts.

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

- Part I.—Preliminary.
- Part II.—Extension of Borough.
- Part III.—Tramways.
- Part IV.—Waterworks.
- Part V.—Sewerage and Sewage Disposal Works.
- Part VI.—Street Widening and Works.
- Part VII.—Acquisition of Lands.
- Part VIII.—Crematorium.
- Part IX.—Streets and Buildings.
- Part X.—Sanitary.
- Part XI.—Financial.
- Part XII.—Rates and Rating.
- Part XIII.—Fire Brigade Superannuation.
- Part XIV.—Repeal of Sections 43 to 46 both inclusive of  
Derby Corporation Act 1877.
- Part XV.—Miscellaneous.

Incorporation  
of Acts.

3. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845);

The Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts but that Act shall be read and have effect as if the words “with the consent in writing of the owner or reputed owner of any such house or the agent of such owner” were omitted from section 44);

The Waterworks Clauses Act 1863;

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870);

so far as the same are not varied by or inconsistent with this Act are incorporated with and form part of this Act.

Interpre-  
tation.

4. In this Act unless the context otherwise requires—

“The existing borough” means the borough of Derby as existing immediately before the passing of this Act;

“The added areas” means the areas by this Act added to the existing borough;

“The borough” used without any qualification or “the extended borough” means the existing borough with the added areas;



“The existing parish of Derby” means the parish of Derby as existing immediately before the passing of this Act;

“The parish of Derby” means the existing parish of Derby with the added areas;

The “included part” and the “excluded part” when used in connexion with any parish mean respectively the part of such parish which is and the part of such parish which is not included in the added areas;

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

“The council” means the council of the borough;

“The overseers” means the overseers of the parish of Derby;

“The mayor” “the town clerk” “the treasurer” “the surveyor” “the engineer” “the medical officer of health” and “the inspector of nuisances” mean respectively the mayor the town clerk the treasurer the surveyor the engineer the medical officer of health and the inspector of nuisances of the borough;

“The tramways” means the tramways by this Act authorised;

“The Corporation tramways” includes the tramways authorised by this Act and all tramways for the time being belonging to or leased or worked by the Corporation;

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

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

“The county council” means the Derbyshire County Council;

“The urban district council” means the Alvaston and Boulton Urban District Council;

“The rural district council” means the Shardlow Rural District Council;

“The parish councils” means the Chaddesden the Normanton the Osmaston and the Spondon Parish Councils respectively or collectively as the case may require;

“The burial boards” means the burial boards for the parishes of Normanton and Spondon respectively or collectively as the case may require;

“The school boards” means the school board for the district of Osmaston and the school board for the district of Alvaston and Boulton and the school board for the

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district of Normanton respectively or collectively as the case may require ;

“ Mechanical power ” includes steam electric and every other motive power not being animal power ;

“ Engine ” includes motor ;

“ Sky sign ” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part over or above any house building or structure which or any part of which sky sign shall be visible against the sky from any point in any street and includes all and every part of any such post pole standard framework or other support The expression “ sky sign ” shall also include any balloon parachute or similar device employed wholly or in part for the purpose of any advertisement or announcement or over or above any building structure or erection of any kind or on or over any street but shall not include (1) any flagstaff pole vane or weathercock unless adapted or used wholly in part for the purposes of any advertisement or announcement (2) any sign on any board frame or other contrivance securely fixed to or upon the top of any wall or parapet of any building or the cornice or blocking course of any wall or to the ridge of a roof provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported (3) any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway railway station yard platform or station approach or premises belonging to a railway company and which is also so placed that it will not fall into any street or public place ;

“ The borough plan ” means the plan of the borough signed in triplicate by the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred ;

“ 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;

“Revenues of the Corporation” includes firstly the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and secondly (as a collateral security) all rates or contributions leviable by or due on the precept of the Corporation;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

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

“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Acts amending the same or otherwise relating to municipal corporations in England;

“The Act of 1877” means the Derby Corporation Act 1877;

“The Act of 1899” means the Derby Corporation Tramways &c. Act 1899;

“Drainage area” means any area or areas within or from which the waters which the Corporation are authorised to impound or take arise or flow;

“The recited Acts” means the unrepealed provisions of the local Acts specified in the First Schedule to this Act and the Provisional Orders relating to the borough confirmed by the Acts also specified in the same schedule and each of those Acts and Orders is separately referred to as the Act or Order of the year in which it was passed or confirmed;

Words and expressions to which meanings are assigned in enactments incorporated with this Act have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction.

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PART II.

EXTENSION OF BOROUGH.

(A)—EXTENSION OF BOUNDARIES AND JURISDICTION OF CORPORATION.

Commence-  
ment of this  
Part of Act.

5. This Part of this Act shall (save as otherwise expressly provided) come into operation on the ninth day of November one thousand nine hundred and one except that for the purpose of the division of the extended borough into wards and for all proceedings connected with the preparation revision and completion of lists and registers of electors or of lists of burgesses and parochial electors and for all proceedings preliminary or relating to and for the holding of the municipal elections to be held on the first day of November in the year one thousand nine hundred and one or elections of guardians to be held in the year one thousand nine hundred and two the said Part shall come into operation on the date of the passing of this Act:

Provided that for the purposes of sections 20 22 23 24 and 26 of the Local Government Act 1888 and for the purposes of the Local Taxation (Customs and Excise) Act 1890 the existing borough shall be deemed not to have been extended until after the thirty-first day of March one thousand nine hundred and two.

Extension  
of borough.

6. The boundary of the existing borough is hereby extended so as to comprise and the borough shall accordingly comprise in addition to the existing borough the added areas described in the Second Schedule to this Act and the extended borough is delineated on the borough plan and if there be any discrepancy between the borough plan and the said description the plan shall prevail Notice of this provision shall be set forth on the borough plan.

Added areas  
detached  
from county  
jurisdiction.

7. The added areas shall for all purposes be detached from the jurisdiction and powers of the county council justices of the peace coroners and officers of the county of Derby and from the school highway and burial boards boards of guardians district councils school attendance committees parochial committees parish meetings commissioners overseers lighting and other local authorities bodies and officers having jurisdiction in the added areas.

Exemption  
from  
liability to  
county and  
other rates.

8. From and after the commencement of this Part of this Act all lands houses and hereditaments within the added areas shall be exempt from all county rates or other rates to be made in respect of the parishes in which the same respectively were situate immediately before the commencement of this Part of this Act and from all rates to be made by the urban district council the rural district council the parish councils the school boards the burial



boards or other authorities having jurisdiction in such districts or parishes but all orders or precepts respecting rates and matters connected therewith made before the commencement of this Part of this Act relating to the added areas existing at the commencement of this Part of this Act may be enforced as if this Act had not been passed.

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9. The electoral divisions of the county of Derby which are diminished by the extension of the borough shall continue to be electoral divisions of that county until altered in pursuance of the provisions of the Local Government Act 1888 and the persons who immediately before the commencement of this Part of this Act are the county councillors respectively representing those electoral divisions shall from and after that date continue to represent those divisions as if they had been originally elected to represent those divisions as diminished by this Act.

Electoral divisions of county of Derby.

10.—(1) In any case where the extension of the existing borough by this Act shall affect the distribution of the proceeds of the local taxation licences of the estate duty and of the local taxation (customs and excise) duties between the county of Derby and the borough or any financial relations or questions between those areas or any adjustment which has been made in regard to such distribution and financial relations or questions equitable adjustments may be made between the areas interested.

Adjustment of financial relations between county council and Corporation.

(2) Any such adjustment may be made by agreement between the county council and the Corporation before the thirtieth day of September one thousand nine hundred and two and in default of such agreement shall be made by the Local Government Board or if that Board think fit by an arbitrator appointed by them.

(3) For the purposes of such adjustments the provisions of the Local Government Act 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Local Government Board or an arbitrator appointed by them as the case may be shall be substituted in such provisions for the commissioners appointed under the Local Government Act 1888 and notwithstanding anything in the provisions of this Act or of the Local Government Act 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Local Government Board be deemed to be made by them otherwise than as arbitrators and any arbitrator appointed by them shall be deemed to be an arbitrator within the meaning of

A.D. 1901. section 62 of the Local Government Act 1888 and the provisions of the said Act shall apply accordingly Provided—

(a) That in lieu of subsection (6) of section 61 of the Local Government Act 1888 subsections (1) and (5) of section 87 of the Local Government Act 1888 shall apply to any inquiries which may be directed by the Local Government Board under this section and to the costs of such inquiries ; and

(b) That subsection (6) of section 32 of the Local Government Act 1888 shall apply to any agreement or award made under this section.

As to expenditure for main roads in added areas.

**11.** The Corporation shall repay to the county council the amount of any expenditure incurred by them during the past three years in the added areas in respect of any permanent improvement on the main roads Provided that any payment to be made by the Corporation under this section shall not exceed the sum of two hundred and fifty pounds The sums to be paid in pursuance of this section shall be agreed between the county surveyor and the surveyor or in case of disagreement then by some person to be nominated by them.

Authority of Corporation extended.

**12.** Except as by this Act otherwise expressly provided all the jurisdiction powers rights privileges authorities immunities and duties of the Corporation as a municipal body and of the council of the existing borough and any committee thereof acting in the execution of such enactments as are at the commencement of this Part of this Act in force within the existing borough and of the Corporation as the urban sanitary authority for the district of the existing borough or any committee thereof shall extend to and throughout the borough and the borough charters the recited Acts and all enactments byelaws orders and regulations lists of tolls tables of fees and payments and scales of charges at the commencement of this Part of this Act in force within and applicable to the existing borough or to the inhabitants thereof shall subject to the provisions of this Act extend and apply to the borough and the inhabitants thereof until or except in so far as any of such byelaws orders regulations tolls fees payments or charges are repealed or altered and the powers rights privileges authorities duties and jurisdiction of the mayor of the borough the elective auditors and mayor's auditor and of the officers and servants of the Corporation in their respective official capacities shall extend to and throughout the extended borough.

Extension of jurisdiction

**13.** The jurisdiction powers rights privileges and duties of the court of quarter sessions recorder justices of the peace the



clerk of the peace the town clerk the justices' clerk the coroner the judge and registrar of the borough court of record appointed for the existing borough and of all constables officers and servants of the existing borough shall extend and apply throughout the extended borough.

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of recorder  
justices &c.

**14.** All the rights privileges benefits and advantages enjoyed by the burgesses and inhabitants of the existing borough shall be and the same are hereby extended to the burgesses and inhabitants of the extended borough.

Added areas  
to be part of  
borough for  
all purposes.

**15.** All estates and property of every description vested in the Corporation at the commencement of this Part of this Act for the benefit of the existing borough shall continue vested in the Corporation for the benefit of the extended borough and the Corporation shall hold enjoy and exercise for the benefit of the extended borough all the property powers rights and privileges which at the commencement of this Part of this Act are vested in the Corporation for the benefit of the existing borough but subject to all debts liabilities and engagements affecting the same.

Corporation  
property.

**16.**—(1) The Corporation shall be the burial board of the extended borough and shall have within the extended borough to the exclusion of any other burial board all the powers rights duties and liabilities of a burial board under the Burial Acts 1852 to 1900.

Corporation  
to be burial  
board for  
borough.

(2) The existing byelaws regulations orders notices and scale of fees and charges in force at the commencement of this Part of this Act for or in relation to the burial grounds provided by the burial board of the existing borough shall extend to the extended borough until and except in so far as the same or any of them shall under the provisions of the said Acts be repealed altered or varied.

**17.** A plan of the borough as extended by this Act signed in triplicate by Charles Bill Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred shall within two weeks after the passing of this Act be deposited in the Parliament Office of the House of Lords and in the Private Bill Office of the House of Commons and with the town clerk at his office and copies thereof certified by the town clerk shall be sent as soon as may be after such deposit to the Director-General of His Majesty's Ordnance Survey to the Local Government Board to the Board of Agriculture to the Inland Revenue Department and to the clerk of the peace for the county of Derby.

Deposit of  
borough  
plan.

**18.** Copies of the borough plan or any extract therefrom certified by the town clerk to be true shall be received in the Supreme Court and in all other courts and proceedings as *primâ*

Copies of  
borough  
plan to be  
evidence.

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facie evidence of the contents of such plan and such plan shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any person shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract and all sums received under this section shall be carried to the credit of the borough fund.

Saving as to Parliamentary boundaries.

19. Nothing in this Act contained shall extend alter or affect the Parliamentary boundaries of the existing borough.

Saving as to ecclesiastical rights.

20. Nothing in this Act contained shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any ecclesiastical property right interest privilege or jurisdiction or any right interest privilege or jurisdiction in or over any charitable endowment which now is applicable for the benefit of any existing parish affected by this Act.

(B)—DIVISION OF EXTENDED BOROUGH INTO WARDS.

Division into wards.

21. The extended borough shall be divided into sixteen wards and the names or distinguishing numbers and boundaries of such wards shall be fixed and determined by a scheme to be made by a commissioner (herein-after called "the commissioner") to be for that purpose appointed by His Majesty's Principal Secretary of State for the Home Department within one week after the passing of this Act:

Provided always that nothing in this Part of this Act shall take away or affect the power to alter the number or boundaries of the wards of the borough under the provisions of the Municipal Corporations Acts.

Commissioner to frame scheme.

22. The commissioner shall commence and proceed with the duties of his appointment with all practicable despatch and so as to complete his scheme before the fourteenth day of September one thousand nine hundred and one.

Powers of commissioner.

23. The commissioner shall have the same power with regard to the examination of witnesses and production of documents as an inspector of the Local Government Board under the Public Health Act 1875.

Provision for existing councillors to continue to represent their former constituents.

24. The commissioner shall by his scheme apportion all the existing councillors among the new wards described therein so as to provide (as far as practicable) for each councillor continuing to represent as large a number as possible of his former constituents and every such councillor shall hold his office in the ward to which



he shall be so assigned for the same period as he would have held such office if the existing wards of the borough remained unchanged. A.D. 1901.

**25.** The scheme shall be published once at least in each of two successive weeks in two local newspapers circulating in the borough. Scheme to be published.

**26.** The scheme shall be deposited with the town clerk and any extract therefrom certified by him to be true shall be received by all courts of justice or elsewhere as primâ facie evidence of the contents of such scheme and such scheme shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation and all persons so liable shall be entitled to a copy of or extract from such scheme certified by the town clerk on payment of a reasonable fee for every such copy or extract. Scheme to be deposited.

**27.** Subject to the provisions of this Part of this Act subsections 8 to 15 both inclusive of section 30 of the Municipal Corporations Act 1882 shall apply to this Part of this Act as if they were re-enacted in this Act. Application of section 30 of 45 & 46 Vict. c. 50.

**28.** After the division of the borough into wards under the provisions of this Part of this Act the council of the borough shall continue to consist of sixteen aldermen and forty-eight councillors and each ward shall return three councillors. Constitution and number of council.

**29.** The several persons who at the commencement of this Part of this Act are aldermen of the existing borough shall continue in office and be the aldermen of the borough and shall go out of office by rotation as if this Act had not been passed. Provisions for aldermen retaining their offices.

**30.** Anything to be done under the provisions of the Municipal Corporations Acts the Ballot Act 1872 and any other Act or Acts in relation to election and other matters incidental thereto or by the mayor or aldermen in relation to each of the wards fixed and determined by the said scheme as aforesaid before the commencement of this Part of this Act may be done in like manner as if such wards were and had been wards of the borough existing at the time of the passing of this Act. Further provisions as to elections &c.

**31.** The council of the existing borough shall previous to the first day of November one thousand nine hundred and one by resolution assign an alderman or councillor to each of the sixteen wards to act as returning officer in respect of such wards at the elections to be held on that day. Appointment of returning officers.

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Provisions of  
Municipal  
Corporations  
Acts to apply.

**32.** Subject to the provisions of this Part of this Act all elections vacation of office and rotations of aldermen and councillors of the borough shall be governed by the Municipal Corporations Acts.

Burgess  
lists &c.

**33.** For the purposes of the burgess list and burgess roll and list of parochial electors and other lists or registers to be made for the borough under the Municipal Corporations Acts and other Acts relating thereto and in relation to the functions and offices of the revising barrister town clerk overseers and other officers under those Acts the added areas shall be deemed to have always been part of the borough.

If any difficulty arise in making out revising or otherwise dealing with such lists roll and registers or the list of county electors and the county register to be made for the county in pursuance of the County Electors Act 1888 or any Act amending that Act the Local Government Board may make such Order as shall appear to them to be necessary to give effect to the provisions of this Act and may vary so far as shall be necessary the provisions in force with regard to such lists roll and registers.

As to publi-  
cation of  
list of voters  
&c.

**34.** For the purposes of the Registration of Electors Acts 1843 to 1891 it shall be sufficient (instead of publishing the entire lists of Parliamentary voters burgesses and parochial electors in accordance with those Acts) to publish the list of Parliamentary voters burgesses and parochial electors of each ward or polling district at the times and in manner provided by those Acts as if each such ward or polling district were a separate parish.

Jury lists  
&c.

**35.** For the purposes of the lists and registers of persons entitled to vote at an election of members of Parliament of the register of parochial electors and of jury lists the parishes affected by this Part of this Act shall be deemed to continue unaltered until the new lists and registers come into operation :

Provided that for the purposes of any election under the Local Government Act 1894 to be held for any area affected by this Part of this Act and of the holding of parish meetings in any parish affected by this Part of this Act the county council shall as soon as may be practicable after the commencement of this Part of this Act cause the register of parochial electors to be altered in such manner as may be necessary to give effect to the alterations made by this Part of this Act.

(C)—DISSOLUTION OF LOCAL AUTHORITIES &c.

Dissolution  
of Osmaston  
parish  
council.

**36.** As from the commencement of this Part of this Act the Osmaston Parish Council shall be dissolved.



**37.** The county council may if they deem it advisable as soon as practicable after the passing of this Act make an order directing that from and after a date to be specified in such order not being prior to the date of the commencement of this Part of this Act the members of the existing parish council of the parish of Normanton shall go out of office and that a fresh election of parish councillors shall be held for the parish of Normanton as diminished by this Act who shall come into office as from the said date and shall continue to hold office until the next ordinary day of retirement of parish councillors under the Local Government Act 1894 or any Act amending the same Any such order may contain all such provisions as to the number of parish councillors and other matters incidental to the election as may be necessary.

A.D. 1901.

As to ex-  
cluded part  
of parish of  
Normanton.

**38.** The parish council for the parish of Normanton as diminished by this Act shall be the authority for executing the Burial Acts 1852 to 1900 within that parish as so diminished.

Parish council  
of Normanton  
to be burial  
authority.

**39.** From and after the commencement of this Part of this Act the excluded part of the parish of Osmaston may if the county council think fit be added to and form part of such parish and district as the county council by order made in manner provided by the Local Government Act 1888 may prescribe and the county council in the event of the excluded part of the parish of Osmaston remaining a separate parish may make such orders in manner provided by the Local Government Act 1894 as may be necessary for the constitution and election of a parish council for the parish.

As to ex-  
cluded part  
of parish of  
Osmaston.

**40.** From and after the commencement of this Part of this Act the urban district council in respect of the excluded part of the parish of Alvaston and Boulton and the rural district council in respect of the excluded parts of the parishes of Chaddesden Normanton Osmaston and Spondon and the parish councils of Chaddesden and Spondon respectively shall continue and shall be deemed to have been elected and to act for and shall be the urban district council the rural district council and parish councils respectively for the said respective excluded parts of the said parishes and the urban district council the rural district council and the parish councils shall cease to exercise any jurisdiction powers or duties within the included parts of such parishes and the burial board for the parish of Spondon shall continue and shall be deemed to have been elected for and shall be the burial board for the excluded part of the parish of Spondon and the burial boards shall cease to exercise any jurisdiction powers or duties within the included parts of such parishes The provisions of this section shall

As to ex-  
cluded part  
of parishes.

A.D. 1901. apply mutatis mutandis to the parish council and burial board for the parish of Normanton as diminished by this Act subject to the provisions of the section of this Act of which the marginal note is "As to excluded part of parish of Normanton."

As to property and liabilities of affected authorities.

41.—(1) Subject to the provisions of this Part of this Act and from and after the commencement thereof all property (real and personal) rights privileges authorities duties liabilities and easements (including choses in action) securities deeds contracts agreements documents papers books and plans whatsoever which immediately before the commencement of this Part of this Act belonged to or were vested in or enjoyed by incurred by or due or owing from the urban district council the rural district council the parish councils and the burial boards respectively (herein-after in this Part of this Act collectively referred to as the "affected authorities") or any person on their behalf respectively in relation exclusively to any part of the added areas shall be and the same are hereby as from that date vested in or imposed upon the Corporation to the same extent and for the same estate interest and liability as the same respectively were at the time of the commencement of this Part of this Act vested in or imposed upon the affected authorities or any person on their behalf respectively and may be held recovered used and enjoyed and shall be undertaken executed and performed accordingly and any property vested in and any liabilities of the affected authorities in relation to any part of the added areas conjointly with the excluded areas of such affected authorities or any other area and any property vested in and any liabilities of the guardians of the poor of the Shardlow Poor Law Union shall be a matter for adjustment under section 62 of the Local Government Act 1888 as if this Act were a scheme or order under that Act Provided that all matters for adjustment under this section not agreed between the Corporation and the affected authorities within six months from the date of the commencement of this Part of this Act shall at the expiration of such period be submitted to arbitration in accordance with the provisions of the said section 62 Provided also that nothing in this section contained shall be deemed to authorise the Corporation to exercise any of the powers of an affected authority being a rural district council or a parish council.

(2) All mortgage debts of the parish council of Osmaston shall be taken over discharged and satisfied by the Corporation.

(3) All mortgage debts taken over by the Corporation as aforesaid shall be deemed to be moneys borrowed by the Corporation within the meaning of section 39 of the Act of 1899.



(4) The committee constituted by the Shardlow Hospital (County of Derby) Order 1895 shall be deemed to be an affected authority for the purposes of this section. A.D. 1901.

(5) The amount of the taxed costs charges and expenses in relation to the respective oppositions of the parish councils of Normanton and Osmaston and the urban district council to the Bill for this Act shall not be deemed to be a matter for adjustment under this section.

(6) The rights and obligations of the urban district council in respect of the making and completing of private streets under section 150 of the Public Health Act 1875 shall be taken over by the Corporation subject to the notices and steps necessary under the said section having been duly given and taken and on the due completion of the said streets and on request thereafter by the urban district council under their common seal the Corporation shall give the notice required by section 152 of the Public Health Act 1875 declaring the same to be highways.

(7) The mortgage debts expenditure and liabilities of the urban district council mentioned in subsection 14 of the section of this Act whereof the marginal note is "Provisions as to main drainage area" shall not be deemed to be matters of adjustment under this section.

**42.** Subject to the provisions of this Act all conveyances leases deeds appointments contracts agreements mortgages bonds covenants guarantees securities orders notices resolutions and proceedings made or entered into before the commencement of this Part of this Act to with in favour of or by for or on behalf of the affected authorities or any person on their behalf respectively and then in force shall only so far as the same relate to the added areas be and remain as good valid and effectual in favour of against and with reference to the Corporation and may be proceeded on and enforced in like manner to all intents and purposes as if the Corporation instead of the affected authorities (only so far as the same relate to the added areas) as the case may be had been party or privy thereto. Conveyances &c. to remain in force.

**43.** Any action suit prosecution or other proceedings whatsoever commenced either by or against the affected authorities only so far as the same relate to the added areas before the commencement of this Part of this Act shall not abate or be discontinued or prejudicially affected by this Act but on the contrary may be maintained prosecuted or continued by in favour of or against the Corporation in like manner to all intents and purposes as Actions &c. not to abate.

A.D. 1901. — if the Corporation instead of the affected authorities as the case may be were parties to such action suit prosecution or proceedings.

As to arrears of rates.

**44.** All arrears of rates and all dues rents moneys and debts (other than mortgage debts) which at the commencement of this Part of this Act are due or owing in respect of the included part of the parish and urban district of Alvaston and Boulton and of the included parts of the parishes of Chaddesden Normanton Osmaston and Spondon shall be collected and recovered by (as the case may be) the affected authorities or the overseers of the poor of the existing parishes comprising those parts as if this Act had not been passed.

Byelaws &c. annulled.

**45.** All byelaws rules and regulations and all orders (other than precepts) made by the affected authorities under any Act of Parliament and in force at the commencement of this Part of this Act are so far as the same relate to the added areas hereby annulled but all penalties incurred thereunder and all forfeitures which have ensued by reason thereof may be enforced and recovered by the Corporation in like manner and in all respects as the same respectively might have been enforced and recovered by the affected authorities in case this Act had not been passed and shall be carried by the Corporation to the credit of the district fund Provided that all plans of new streets and of new buildings within the added areas approved by the affected authorities before the commencement of this Part of this Act shall be valid for the period of two years after that date but at the expiration of that period fresh plans of such new streets and new buildings as shall not at that date have been commenced shall be deposited for the approval of the Corporation which plans shall be in conformity with the byelaws rules and regulations in force within the borough Provided further that the byelaws made by the affected authorities shall continue to apply to any work for which plans shall have been sent to the surveyor or clerk to such affected authorities one month at least before the commencement of this Part of this Act and shall not have been disapproved by such affected authorities.

Books to be evidence.

**46.** All books and other documents relating to the added areas which are directed or authorised to be kept by the affected authorities by any Act of Parliament and which at the commencement of this Part of this Act would be receivable in evidence shall notwithstanding the dissolution or alteration of the areas of the affected authorities be admitted as evidence before all judicial tribunals and elsewhere.



**47.** The accounts of all receipts and expenditure up to the commencement of this Part of this Act of the Osmaston Parish Council shall be audited and disallowances surcharges and penalties recovered and enforced in like manner as nearly as may be as if this Act had not been passed and as soon as possible after that date.

A.D. 1901.  
Audit of  
accounts of  
Osmaston  
Parish  
Council.

Every authority committee or officer whose duty it is to make up any accounts or to account for any portion of the receipts or expenditure in any account shall until the audit is completed be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Act had not been passed.

Provided that such audit may be held as soon as practicable after the commencement of this Part of this Act any statutory provision or regulation as to the time of holding the audit to the contrary notwithstanding and any sum certified by the district auditor at such audit to be due from any person shall be paid as heretofore.

**48.** The several persons who at the commencement of this Part of this Act are the representatives of the included parts of the parishes of Alvaston and Boulton Chaddesden Normanton Osmaston and Spondon respectively or of some district or area of which the included parts respectively form part upon the county council rural district council or other authority shall cease to represent such included parts.

Representatives to  
cease to  
hold office  
&c.

**49.** All officers of the Osmaston Parish Council shall cease to hold their respective offices and employments from and after the commencement of this Part of this Act.

Officers to  
cease to hold  
office &c.

**50.** Notwithstanding anything contained in the Isolation Hospitals Act 1893 it shall be lawful for the county council to make such amendment or alteration in the Shardlow Hospital (County of Derby) Order 1895 as may in their opinion be rendered necessary by reason of the alteration of areas affected by this Act.

As to alteration of  
Shardlow  
Hospital  
Order.

**51.—(1)** The general district rate to be levied on or in respect of the included part of the parish of Alvaston and Boulton shall not in any one year during the period of four years from the commencement of this Part of this Act exceed such an amount in the pound as when added to the poor rate (including the borough rate and any other local rate other than the general district rate) for the same year will make a total rate of five shillings in the pound and for a further period of four years shall not exceed such an amount in the pound as when added to the poor rate (including

Differential  
rating.

A.D. 1901. the borough rate and any other local rate other than the general district rate) for the same year will make a total rate of five shillings and sixpence in the pound and for a further period of three years shall not exceed such an amount in the pound as when added to the poor rate (including the borough rate and any other local rate other than the general district rate) for the same year will make a total rate of six shillings in the pound.

(2) The general district rate to be levied on or in respect of the included part of the parish of Osmaston shall not in any one year during the period of five years from the commencement of this Part of this Act exceed such an amount in the pound as when added to the poor rate (including the borough rate and any other local rate other than the general district rate) for the same year will make a total rate of four shillings in the pound and for a further period of four years shall not exceed such an amount in the pound as when added to the poor rate (including the borough rate and any other local rate other than the general district rate) for the same year will make a total rate of four shillings and ninepence in the pound and for a further period of four years shall not exceed such an amount in the pound as when added to the poor rate (including the borough rate and any other local rate other than the general district rate) for the same year will make a total rate of five shillings and sixpence in the pound.

(3) The general district rate to be levied on or in respect of the included part of the parish of Normanton shall not in any one year during the period of five years from the commencement of this Part of this Act exceed such an amount in the pound as when added to the poor rate (including the borough rate and any other local rate other than the general district rate) for the same year will make a total rate of five shillings in the pound and for a further period of four years shall not exceed such an amount in the pound as when added to the poor rate (including the borough rate and any other local rate other than the general district rate) for the same year will make a total rate of five shillings and sixpence in the pound and for a further period of four years shall not exceed such an amount in the pound as when added to the poor rate (including the borough rate and any other local rate other than the general district rate) for the same year will make a total rate of six shillings in the pound.

(D)—PROVISIONS AS TO GUARDIANS OVERSEERS &c.

Alteration of union.

**52.** From and after the commencement of this Part of this Act the included parts of the parishes of Alvaston and Boulton Chaddesden Normanton Osmaston and Spondon shall be severed from



the respective parishes and from the poor law union of which they immediately before the commencement of this Part of this Act respectively formed part and shall be added to the existing parish of Derby and to the Derby Poor Law Union and all powers rights and jurisdiction of the board of guardians of the Shardlow Poor Law Union and every committee of that board shall cease within the included parts of the said parishes and the guardians of the poor of the Derby Poor Law Union and their committees shall exclusively have and exercise within and for the parish of Derby all the powers rights jurisdiction and duties exercisable by or attaching to boards of guardians or committees of boards of guardians as the case may be under the Acts relating to the relief of the poor for the time being in force or otherwise.

A.D. 1901.

53.--(1) All and every right custom privilege or power other than in matters ecclesiastical vested in or exercisable by the parishioners ratepayers or inhabitants in vestry assembled of any part of a parish which is by this Act added to the existing parish of Derby shall as to the part of a parish so added cease to be so vested or exercisable and every office of overseer assistant overseer and collector of poor rates in or for any part of a parish which is by this Part of this Act added to the existing parish of Derby shall as to the part of a parish so added be vacated and determined. Provided that nothing in this section shall take away prejudice or affect any security right or remedy for or in respect of the collection and recovery of rates or any proceeding or thing pending or in course of being done at the commencement of this Part of this Act or any liability to account or audit.

As to  
overseers  
assistant  
overseers  
and collec-  
tors of  
poor rate.

(2) From and after the commencement of this Part of this Act all rights powers duties liabilities obligations privileges and immunities not exclusively ecclesiastical incident or attaching to the parishioners ratepayers or inhabitants in vestry assembled shall for and within the parish of Derby be incident and attach to the Corporation and be exercisable by them.

54. The jurisdiction powers rights privileges and duties of the overseers and assistant overseers and other officers appointed for the existing parish of Derby shall extend and apply throughout the parish of Derby.

Extension of  
jurisdiction  
of overseers.

55. The Orders of the Local Government Board made under the Local Government Act 1894 conferring on the Corporation the powers of appointing overseers and assistant overseers and the revocation of the appointment of assistant overseers shall be deemed

Application of  
Orders of Local  
Government  
Board as  
to overseers  
and assistant  
overseers.



A.D. 1901. — to apply and extend so as to enable the Corporation to exercise such powers in the parish of Derby.

Valuation lists.

**56.** Until new valuation lists are in force the portions of the valuation lists of the several parishes of Alvaston and Boulton Chaddesden Normanton Osmaston and Spondon which relate to hereditaments in the included parts of the said parishes shall be deemed to form part of the valuation list of the parish of Derby.

Settlement of paupers.

**57.**—(1) Every person who has acquired or who on or before the commencement of this Part of this Act shall acquire a settlement in any parish affected by this Part of this Act shall be deemed to have acquired a settlement in the parish comprising the area in which the acts or circumstances conferring such settlement shall have been done or occurred or if such acts or circumstances shall have been done or occurred in more than one parish such settlement shall be in the parish comprising the place of residence of such person at the time of acquiring such settlement.

(2) Any person who shall have acquired a status of irremovability from any parish affected by this Part of this Act shall be deemed to have acquired a status of irremovability from the parish comprising the area in which he shall reside at the commencement of this Part of this Act or (if he shall then be in receipt of relief) from the parish comprising the area in which he was residing at the time of becoming chargeable.

(3) For all purposes of settlement and removal residence prior to the commencement of this Part of this Act in any included part of a parish added by this Part of this Act to the existing parish of Derby shall be deemed to have been residence in the parish to which the said part is so added.

Saving for contribution orders and precepts.

**58.** Notwithstanding the alteration in the areas of parishes effected by this Part of this Act all contribution orders made by the guardians of the poor of the Shardlow Poor Law Union before the commencement of this Part of this Act shall be as valid in law as if this Act had not been passed.

(E)—PROVISIONS AS TO SCHOOL BOARDS.

Dissolution &c. of school boards &c.

**59.** From and after the commencement of this Part of this Act the following provisions shall have effect (that is to say):—

- (1) The school boards of Osmaston and Normanton shall be dissolved and the included part of the parish of Alvaston and Boulton shall be detached from the district of the Alvaston and Boulton School Board:



- (2) All school premises with their fittings and all property belonging to the Osmaston School Board and the school premises with their fittings and all property belonging to the Alvaston and Boulton School Board situate within the included part of the parish of Alvaston and Boulton shall vest in the Derby School Board for all the estate and interest of the Osmaston and Alvaston and Boulton School Boards respectively and the Alvaston and Boulton School Board shall continue to be the school board for that district as diminished by this Act and shall be deemed to have been elected for such district as so diminished :
- (3) All officers of the Osmaston School Board other than teachers shall cease to hold their respective offices and employments :
- (4) The school boards shall cease to have any power or jurisdiction within the added areas :
- (5) Nothing in this Part of this Act shall take away or prejudice any proceeding or thing pending or being done or any right or remedy for or in respect of any precept issued by the Osmaston or Normanton School Boards and all moneys payable to the Osmaston School Board or moneys in the hands of its treasurer or other officers shall be paid to the Derby School Board who in default of such payment may recover the same in like manner as they could have been recovered by the Osmaston School Board :
- (6) All debts assets and liabilities of the Normanton and Alvaston and Boulton School Boards shall be deemed to be a matter for adjustment under the section of this Act whereof the marginal note is " As to property and liabilities of affected authorities " :
- (7) All byelaws and regulations made by the Derby School Board for the existing borough and in force shall apply to and be in force within the borough subject to any future repeal or amendment of the same and all byelaws and regulations made by any of the school authorities in the added areas shall cease to have any force within the borough :
- (8) Every child resident in any part of the added areas who at the commencement of this Part of this Act shall have obtained a certificate of having reached the standard of education fixed by a byelaw in force within that part of the added areas in which such child is resident for the total or partial exemption from the obligation to attend school shall notwithstanding any byelaw of the Derby School Board continue to enjoy the same exemption as if this Act had not been passed :



A.D. 1901.

(9) Any doubt or difference arising under this section shall on application of the Derby School Board or of any of the school authorities in the added areas interested in the determination of such doubt or difference stand referred to and be determined by the Board of Education.

Borough to be a school district.

**60.**—(1) For the purposes of the Education Acts the borough shall be a school district and the school board for the existing borough shall be the school board for the said school district.

(2) The members of the school board for the existing borough who are in office at the commencement of this Part of this Act shall constitute the school board for the district of the Derby School Board and shall be deemed to have been elected therefor and shall hold office subject to the provisions of the Education Acts and this Act and to any order to be made by the Education Department for holding a new election or otherwise.

Teachers of school authorities continued.

**61.** All teachers (as defined by the Elementary Education Act 1870) in the service of the Osmaston School Board and Alvaston and Boulton School Board so far as relates to the included part of the parish of Alvaston and Boulton who shall be in office at the commencement of this Part of this Act shall hold and enjoy their respective offices and employments until they shall resign the same or be removed therefrom by the Derby School Board and shall be entitled to the same salaries and emoluments and shall be subject and liable to the like conditions obligations and liabilities and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been respectively appointed by the Derby School Board.

Books of Osmaston and Normanton School Boards to be evidence.

**62.** All books and other documents directed or authorised to be kept by the Osmaston and Normanton School Boards respectively and which at the commencement of this Part of this Act would be receivable in evidence shall notwithstanding the dissolution of the said school boards respectively and the annulling of the jurisdiction and powers of the said school boards within the added areas be admitted as evidence before all judicial tribunals and elsewhere.

Audit of school boards' accounts.

**63.**—(1) The accounts of the Osmaston and Normanton School Boards and of their respective officers up to the time of the commencement of this Part of this Act shall be audited in like manner as if this Act had not been passed and as soon as practicable after that date any statutory provision or regulation as to the time of holding the audit of the accounts of the Osmaston and Normanton School Boards to the contrary notwithstanding.



(2) Every school authority committee or officer whose duty it is to make up any accounts or to account for any portion of the receipts or expenditure in any account shall until the audit is completed be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Act had not been passed.

A.D. 1901.

(3) All rates rents and moneys which at the commencement of this Part of this Act are certified by the district auditor as being due and payable to the Osmaston Normanton and Alvaston and Boulton School Boards in respect of the included parts of the respective parishes of Osmaston Normanton and Alvaston and Boulton with all interest (if any) due or accruing due for the same shall after that date be due and payable to and may be recovered by the Derby School Board in like manner as they could have been collected or recovered by the Osmaston Normanton and Alvaston and Boulton School Boards respectively.

**64.** The Derby School Board may from time to time (in addition to any moneys they are now or hereafter may be authorised to borrow) borrow and re-borrow at interest the following sums on the security of the school fund and local rate and for the following purposes:—

Power to  
Derby  
School  
Board to  
borrow.

For repayment of the mortgage debts of the Osmaston School Board and the Alvaston and Boulton School Board so far as relates to the included part of the parish of Alvaston and Boulton and such sum (if any) which may be found on adjustment to be due to the Normanton School Board so far as relates to the included part of the parish of Normanton and for payment of the costs charges and expenses of and in relation to the paying off and re-borrowing of moneys in connexion therewith by the Derby School Board under the powers of this Act the sum requisite for the purpose.

**65.** From and after the commencement of this Part of this Act all securities deeds contracts agreements documents papers books and plans whatsoever which immediately before the commencement of this Part of this Act belonged to the Osmaston School Board and the Alvaston and Boulton School Board so far as relates to the included part of the parish of Alvaston and Boulton respectively or any person on their behalf respectively shall as from that date be vested in the Derby School Board and may be recovered accordingly.

Securities  
&c. of cer-  
tain school  
boards to  
vest in Derby  
School  
Board.

A.D. 1901.

Order for  
election of  
new school  
board for  
Normanton.

**66.**—(1) For the purposes of the Education Acts the excluded part of the parish of Normanton shall be a school district.

(2) The Board of Education shall at any time before the commencement of this Part of this Act issue an Order for regulating the election of persons to serve as from the commencement of this Part of this Act as members of the school board for such school district and the Normanton School Board so elected shall for all purposes be deemed to be the successors of the Normanton School Board dissolved by this Act.

(F)—PROVISIONS AS TO COMPENSATION.

Compensa-  
tion to  
existing  
officers.

**67.**—(1) Every county coroner clerk to justices and every officer or servant of the Corporation county council or standing joint committee of the county of Derby or of the affected authorities or of the guardians of the poor of the Shardlow Poor Law Union or the guardians of the poor of the Derby Poor Law Union or of the existing parish of Derby and any clerk or other officer or servant (other than a teacher) of the Derby School Board or of the respective school boards in the added areas and officers of the school attendance committees of the Shardlow Poor Law Union who shall be in office at the commencement of this Part of this Act and who by virtue of this Act or in consequence thereof suffers any direct pecuniary loss as is mentioned in section 120 of the Local Government Act 1888 shall be deemed to be an officer entitled to compensation under that section and the provisions of that section shall apply accordingly with the substitution of the Corporation for the county council and the Local Government Board for the Treasury and in the case of any school board with the substitution of the Board of Education for the Treasury.

(2) Such compensation may be at the option of the Corporation by way of annuity or by payment of a sum in gross and shall be paid by the Corporation out of the borough fund or out of moneys borrowed under this Act.

(3) The non-acceptance of any office shall not be a bar to the right of any officer to compensation.

Provided that any officer to whom compensation shall have been awarded under this section shall not be deemed to have become entitled to a superannuation allowance under section 2 of the Poor Law Officers' Superannuation Act 1896 in respect of the same loss.

Provided also that the clerk to the Osmaston School Board shall not be entitled to any compensation under this Act in respect of the said office held by him.



## PART III.

A.D. 1901.

## TRAMWAYS.

68. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain wholly in the existing borough and county of Derby the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers channels (including passages and tubes for ropes cables wires and electric lines) junctions turntables turn-outs crossings passing places triangles waiting-rooms stables carriage houses engine houses stations sheds buildings works and conveniences connected therewith (that is to say) :—

Power  
to make  
tramways.

Tramway No. 1 (1 mile 3 furlongs 8 chains in length the whole of which will be double line) wholly in the existing parish of Derby commencing in Market Head at or near the present commencement of the existing London Road Tramway following approximately the course thereof along the west side of the Market Place the Corn Market St. Peter's Street and London Road and terminating in London Road at the present termination of such said tramway at the present borough boundary opposite or near Deadman's Lane :

Tramway No. 2 (1 furlong 4·55 chains in length the whole of which will be double line) wholly in the existing parish of Derby commencing in London Road at or near the present junction of the existing Midland Road Tramway with the existing London Road Tramway following approximately the course of the former tramway along Midland Road and Railway Terrace and terminating in Railway Terrace at the present termination of such said tramway opposite or near the Midland Railway passenger station (departure entrance) :

Tramway No. 3 (1 mile 1 furlong 9·65 chains in length whereof 1 mile 2·25 chains will be double and 1 furlong 7·40 chains will be single line) wholly in the existing parish of Derby commencing in St. Peter's Street at or near the present junction of the existing Osmaston Road Tramway with the existing London Road Tramway following approximately the course of the former tramway along Osmaston Road and terminating in Osmaston Road at the present termination of such said tramway at the present borough boundary opposite or near Cotton Lane :

A.D. 1901.

Tramway No. 4 (6 furlongs 3·65 chains in length the whole of which will be double line) wholly in the existing parish of Derby commencing in St. Peter's Street at or near the present junction of the existing Normanton Road Tramway with the existing London Road Tramway following approximately the course of the former tramway along Babington Lane and Normanton Road and terminating in Normanton Road at a point thereon 2·30 chains north-east of the present termination of such said tramway near the Normanton Hotel :

Tramway No. 5 (1 mile 6·55 chains in length whereof 5 furlongs 8·45 chains will be double and 2 furlongs 8·10 chains will be single line) wholly in the existing parish of Derby commencing in St. Peter's Street at or near the present junction of the existing Ashbourne Road Tramway with the existing London Road Tramway following approximately the course of the former tramway along Victoria Street the Wardwick Friar Gate and Ashbourne Road and terminating in Ashbourne Road at the present termination of such said tramway opposite or near the end of Windmill Hill Lane :

Tramway No. 6 (1 furlong 9·10 chains in length whereof 4·80 chains will be double and 1 furlong 4·30 chains will be single line) wholly in the existing parish of Derby commencing in Ashbourne Road at the termination of Tramway No. 5 passing thence along Ashbourne Road and terminating in Ashbourne Road at the present borough boundary opposite or near the entrance gates to Markeaton Park :

Tramway No. 7 (4 furlongs 2·40 chains in length whereof 2 furlongs 4·90 chains will be double and 1 furlong 7·50 chains will be single line) commencing in Market Head at the commencement of Tramway No. 1 passing thence into and along Irongate Queen Street King Street and Duffield Road and terminating at a point in Duffield Road about 1·55 chains north-west of Kedleston Street and North Street :

Tramway No. 8 (5 furlongs 8·95 chains in length whereof 1 furlong 5·75 chains will be double and 4 furlongs 3·20 chains will be single line) wholly in the existing parish of Derby commencing in Duffield Road by a junction with Tramway No. 7 at a point about 1·55 chains north-west of Kedleston Street and North Street passing thence into and along Kedleston Road and terminating in Kedleston Road at the present borough boundary opposite or near Penny Long Lane :



Tramway No. 9 (1 mile 3 furlongs 3·60 chains in length whereof 4 furlongs 2·75 chains will be double and 7 furlongs 0·85 chain will be single line) commencing in the Corn Market in the parish of Derby by a junction with Tramway No. 1 at a point about 0·70 chain north of St. James' Street passing thence into and along the south side of Market Place Derwent Street and Nottingham Road (in which last-mentioned road it will be situate partly within the existing parish of Derby and partly within the parish of Chaddesden) and terminating in the parish of Chaddesden at a point in Nottingham Road about 3·75 chains north-east of the centre of the entrance to Nottingham Road Cemetery :

Tramway No. 10 (1·65 chains in length the whole of which will be double line) a junction tramway wholly in the existing parish of Derby commencing in Derwent Street by a junction with Tramway No. 9 at a point about 0·95 chain north-east of Tenant Street and terminating in Tenant Street by a junction with Tramway No. 11 next described at a point about 0·95 chain south-east of Derwent Street :

Tramway No. 11 (6 furlongs 0·95 chain in length whereof 3 furlongs 8·30 chains will be double and 2 furlongs 2·65 chains will be single line) wholly in the existing parish of Derby commencing in the Market Place by a junction with Tramway No. 9 at a point about 0·95 chain south-west of Tenant Street passing thence into and along Tenant Street the Morledge Siddals Road and Railway Terrace and terminating in Railway Terrace at the termination of Tramway No. 2 opposite or near the Midland Railway passenger station (departure entrance) :

Tramway No. 12 (1 furlong 1·65 chains in length the whole of which will be double line) wholly in the existing parish of Derby commencing in Victoria Street by a junction with Tramway No. 5 at a point about 1·80 chains east of Green Lane passing thence across the end of the Corn Market where it will cross Tramway No. 1 thence into and along Albert Street and Tenant Street and terminating in Tenant Street by a junction with Tramway No. 11 at a point opposite Market Street :

Tramway No. 13 (2·30 chains in length the whole of which will be double line) a junction tramway wholly in the existing parish of Derby commencing in Albert Street by a junction with Tramway No. 12 at a point about 1·45 chains south-west of the Morledge and terminating in the Morledge by a

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junction with Tramway No. 11 at a point about 1·65 chains south-east of Albert Street :

Tramway No. 14 (1 mile 2 furlongs 4·80 chains in length whereof 3 furlongs 1·25 chains will be double and 7 furlongs 3·55 chains will be single line) situate within the parishes of Osmaston and Alvaston and Boulton commencing in London Road at the termination of Tramway No. 1 at the boundary of the existing borough opposite or near Deadman's Lane passing thence along London Road and terminating in the village of Alvaston at a point in London Road about 3·40 chains south-east of Oxford Street :

Tramway No. 15 (1 mile 8·90 chains in length whereof 2 furlongs 7·55 chains will be double and 6 furlongs 1·35 chains will be single line) situate within the parishes of Osmaston and Alvaston and Boulton commencing in Osmaston Road at the termination of Tramway No. 3 at the boundary of the existing borough opposite or near Cotton Lane passing thence along Osmaston Road and terminating at the village of Allenton at a point in Osmaston Road about 0·30 chain south-east of Bracken's Lane :

Tramway No. 16 (1 furlong 8·00 chains in length whereof 9·40 chains will be double and 8·60 chains will be single line) wholly in the existing parish of Derby commencing in Osmaston Road by a junction with Tramway No. 3 at a point about 0·80 chain south-east of Bateman Street passing thence into and along Bateman Street and Osborne Street and terminating in London Road by a junction with Tramway No. 1 at a point about 1·15 chains north-west of Barlow Street :

Tramway No. 17 (3 furlongs 1·85 chains in length the whole of which will be double line) wholly in the existing parish of Derby commencing in Normanton Road by a junction with Tramway No. 4 at the termination of that tramway as before described passing along Normanton Road and thence into and along Pear Tree Road and terminating in Dairy House Road by a junction with Tramway No. 20 afterwards described at a point about 1·05 chains north-east of Pear Tree Road :

Tramway No. 18 (2·60 chains in length the whole of which will be double line) a junction tramway wholly in the existing parish of Derby commencing in Pear Tree Road by a junction with Tramway No. 17 at a point about 1·70 chains north-west of St. Thomas' Road and terminating in St. Thomas' Road by a junction with Tramway No. 20 afterwards described at a point about 1·80 chains south-west of Pear Tree Road :



Tramway No. 19 (4 furlongs 2·75 chains in length whereof 1 furlong 9·35 chains will be double and 2 furlongs 3·40 chains will be single line) wholly in the existing parish of Derby commencing in Normanton Road by a junction with Tramway No. 4 at the termination of that tramway as before described passing along Normanton Road and thence into and along Lower Dale Road Church Street and Upper Dale Road and terminating in Upper Dale Road by a junction with Tramway No. 20 next described at a point about 1·45 chains north-east of Walbrook Road :

Tramway No. 20 (7 furlongs 8·40 chains in length whereof 3 furlongs 8·35 chains will be double and 4 furlongs 0·05 chain will be single line) commencing in Upper Dale Road by a junction with Tramway No. 19 at the termination of that tramway at a point about 1·45 chains north-east of Walbrook Road passing thence into and along Walbrook Road (in which road it will be situate partly within the existing parish of Derby and partly within the parish of Normanton) St. Thomas' Road Dairy House Road and Douglas Street and terminating in Osmaston Road by a junction with Tramway No. 3 at a point about 0·80 chain north-west of Douglas Street :

Tramway No. 21 (3 furlongs 5·00 chains in length whereof 2 furlongs 1·80 chains will be double and 1 furlong 3·20 chains will be single line) commencing in St. Thomas' Road by a junction with Tramway No. 20 at a point about 0·95 chain north-east of Joseph Street passing thence along St. Thomas' Road (in which road it will be situate partly within the existing parish of Derby and partly within the parish of Normanton) and Balaclava Road and terminating at the east end of the village of Normanton at a point near the entrance to the barracks in Balaclava Road about 0·55 chain north of Newdigate Street :

Tramway No. 22 (1 mile 4 furlongs 0·50 chain in length whereof 4 furlongs 9·00 chains will be double and 7 furlongs 1·50 chains will be single line) commencing in Babington Lane by a junction with Tramway No. 4 at a point about 0·65 chain north-east of Malthouse Lane passing thence into and along Burton Road (in which road it will be situate partly within the existing parish of Derby and partly within the parish of Littleover) and terminating at Littleover village at a point in Burton Road about 0·75 chain south-west of Shepherd's Lane :

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Tramway No. 23 (1 mile 5 furlongs 0·85 chain in length whereof 4 furlongs 8·70 chains will be double and 1 mile 2·15 chains will be single line) commencing in the Wardwick by a junction with Tramway No. 5 at a point about 0·73 chain south-east of Curzon Street passing thence into and along Curzon Street Uttoxeter New Road and Uttoxeter Road (in which road it will be situate partly within the existing parish of Derby and partly within the parish of Littleover) and terminating at a point in Uttoxeter Road where the boundary of the existing borough turns north-westwards from the centre of the said road opposite or near the west boundary of the union workhouse grounds:

Tramway No. 24 (4 furlongs 6·35 chains in length whereof 1 furlong 5·90 chains will be double and 3 furlongs 0·45 chain will be single line) wholly in the existing parish of Derby commencing in Curzon Street by a junction with Tramway No. 23 at a point about 0·90 chain north-east of Newland Street passing thence into and along Abbey Street and terminating in Burton Road by a junction with Tramway No. 22 at a point about 0·35 chain south-west of Abbey Street.

For protection of the county council as to tramways.

**69.** Notwithstanding anything in this Act the provisions of this section shall apply for the protection of the county council unless otherwise agreed in writing between the county council and the Corporation (that is to say):—

- (1) The notice to be given to the road authority under section 26 of the Tramways Act 1870 shall in the case of the county council be given fourteen days at least before the commencement of the work in any road which they are liable to repair instead of seven days as provided by that section and the Corporation shall at the same time submit to the county council the plan which by the section of this Act of which the marginal note is "Plan of proposed mode of construction" they are required to lay before the Board of Trade so far as the same relates to any tramway proposed to be constructed along any such road:
- (2) Notwithstanding anything shown on the deposited plans the county council shall within fourteen days after service on them of notice of the Corporation's intention to break up any road of which the county council is the road authority be entitled to object to the construction in such road of any crossing or passing place or any double or interlacing line and in that event the Board of Trade before approving the plan and statement referred to in the section of this Act whereof the marginal note



is "Plan of proposed mode of construction" shall consider such objection and either give effect to or overrule the same as they shall think fit:

(3) The Corporation shall at their own expense pave so much of any such road whereon any of the tramways are laid as lies between the rails and as extends eighteen inches beyond the rails of and on each side of any such tramway with granite cubes or setts or such other paving as the county council may reasonably approve and in all cases where the nearest rail of such tramway is of less distance than five feet from the outer edge of the footpath or boundary of the carriageway on either side the intervening spaces between the rail and the footpath or boundary of the carriageway shall be paved in like manner to the reasonable satisfaction of the county council and the Corporation shall so long as they shall work the said tramway keep and maintain the same respectively in good repair and condition and all works and materials used in the construction maintenance or alteration of the said roads lying adjacent to the said tramways shall be reasonably approved by the county council and in the event of any subsequent deviation or alteration of the said tramways the consent of the county council shall be obtained before such deviation or alteration is made:

(4) The provisions of this section may be enforced by the county council notwithstanding that the road in question is within an urban district the council of which has given notice under section 11 of the Local Government Act 1888 to retain the powers and duties of maintaining and repairing the main roads within its district:

(5) Any question which may arise between the county council or their surveyor and the Corporation with reference to this section or anything to be done or not to be done under this section shall be determined by arbitration.

**70.** For the protection of the Midland Railway Company (herein-after called "the Midland Company") the following provisions shall unless with the previous consent of the Midland Company in writing under their common seal apply and have effect with respect to the works authorised by this Part of this Act (that is to say) :—

For protection of Midland Railway Company as to tramways.

(1) So much of the tramways by this Part of this Act authorised as will cross under the railways of the Midland Company or pass over bridges carrying public roads over the Midland railway shall be constructed under the superintendence and to the reasonable satisfaction of the engineer of the Midland

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Company and according to plans sections and specifications to be previously submitted to and reasonably approved by him or in case of difference between him and the engineer by an arbitrator to be appointed as herein-after provided. Provided that if the engineer of the Midland Company does not signify his disapproval of such plans within twenty-eight days of their submission to him he shall be deemed to have approved thereof:

- (2) The Corporation shall construct such tramways so as to cause no injury to the railway bridges works or property of the Midland Company or interruption to the passage or conduct of traffic over the railway and if in consequence of the execution of such works any injury or interruption be caused the Corporation shall make full compensation to the Midland Company:
- (3) The Corporation shall bear and on demand pay to the Midland Company the reasonable expense of the employment by that company during the execution of any work affecting their railway of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Corporation and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors:
- (4) In the event of any injury or damage being caused to the said bridges or approaches or the railways and works of the Midland Company by the construction maintenance and user of such tramways the Midland Company may at the expense of the Corporation restore such railway bridges and approaches to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the Midland Company against all sums costs and expenses which they may reasonably pay or be put to in repairing and maintaining so much of the road over such bridges and approaches as the Corporation are liable to maintain and repair under the provisions of the Tramways Act 1870:
- (5) If in consequence of the existence or user of the tramways it becomes necessary in the opinion of the engineer of the Midland Company that any bridge belonging to or repairable by the Midland Company over which the tramways are or will be constructed or that the approaches to any such bridge should be strengthened the Midland Company may at the expense of the Corporation execute all such works as may be requisite for that purpose:



(6) If having regard to the proposed position of the works of the Corporation when considered in relation to the position of the works of the Midland Company at any point where the tramways are or will be constructed over under or across any railway of the Midland Company it becomes in the opinion of the engineer of the Midland Company advisable that the electric telegraphic telephonic or signal wires or apparatus of the Midland Company should be altered the Midland Company may execute any works requisite for such alteration and the expense of executing such works and any additional expense incurred by the Midland Company in the maintenance of such wires or apparatus by reason of their being altered as aforesaid or in the laying or maintenance of new wires or apparatus at any such point as aforesaid by reason of the construction or user of the tramways shall be borne by the Corporation :

(7) Any additional expense in the maintenance of any bridge occasioned to the Midland Company by the construction or user of the tramways shall be borne by the Corporation :

(8) Whenever and so often as the Midland Company shall require to widen lengthen strengthen reconstruct alter or repair any of such bridges or approaches or to widen or alter their railways and they shall find it necessary for effecting any of such purposes that the working and user of any portion of the tramways shall be wholly or partially stopped or delayed or that the tramways shall be temporarily wholly or in part taken up or removed and shall (except in cases of emergency) give to the Corporation seven days' notice in writing requiring such stoppage delay taking up or removal the working and user of such portion of the tramways shall be stopped or delayed or the tramways shall be taken up or removed accordingly at the expense of the Corporation and under the superintendence of their engineer but only for so long as the Midland Company may find it to be absolutely necessary for effecting such purpose and the Midland Company shall not be liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay diversion taking up or removal :

(9) The Corporation shall pay to the Midland Company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening alteration or reconstruction by reason of the existence of the tramways of the Corporation or any of the works connected therewith and in case such widening lengthening strengthening or reconstruction alteration or repair of the said bridges or any



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of them is desirable or necessary owing to the construction maintenance or user of the tramways the whole cost thereof shall be borne and paid by the Corporation and in case any difference shall arise as to the desirability or necessity of any such works as aforesaid such difference shall be determined as herein-after mentioned :

- (10) Any dispute or difference which may arise between the Midland Company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled unless otherwise agreed by an arbitrator to be appointed by the Board of Trade on the application of the Midland Company or the Corporation after notice to the other.

For pro-  
tection of  
Great  
Northern  
Railway  
Company as  
to tramways.

71. The following provisions for the protection of the Great Northern Railway Company (in this section referred to as "the company") shall unless with the previous consent of the company in writing under their common seal apply and have effect with respect to the works authorised by this Part of this Act (that is to say) :—

- (1) All works by this Part of this Act authorised where the same will be made upon or across or over or under any bridge railway or other work belonging or leased to or worked by the company shall be executed and maintained so as not to interfere with the structure of any bridge and under the superintendence and to the reasonable satisfaction of the engineer of the company (herein-after called "the engineer") according to plans sections and specifications to be previously approved by him or in case of difference between him and the engineer of the Corporation by an arbitrator to be appointed as herein-after provided. Provided that if the engineer does not signify his disapproval of such plans within twenty-eight days of their submission to him he shall be deemed to have approved thereof :
- (2) The Corporation shall not in any manner in the execution maintenance or repair of any of their works remove or disturb the rails of any railway or other work belonging or leased to or worked by the company or obstruct or interfere with the free uninterrupted and safe user of any such railway or other work or any traffic thereon :
- (3) The Corporation shall on demand pay to the company the reasonable expense of the employment by the company during the execution or repair of any work affecting any bridge



railway or other work belonging or leased to or worked by the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for watching and signalling the same with reference to and during the execution or repair of any such work and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employment of the Corporation or their contractors with reference thereto or otherwise :

(4) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company by or by reason of the execution or failure of any of the works authorised by this Part of this Act or by reason of any act default or omission of the Corporation or their contractors (or any person in the employment of the Corporation or their contractors) with reference thereto or otherwise and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :

(5) If in consequence of the existence or user of the Corporation tramways it becomes necessary in the opinion of the engineer that any bridge belonging or leased to or repairable by the company over which the Corporation tramways are or will be constructed or the approaches to any such bridge should be strengthened the company may at the expense of the Corporation execute all such works as may be requisite for that purpose :

(6) If having regard to the proposed position of the works of the Corporation when considered in relation to the position of the works of the company at any point where the Corporation tramways are or will be constructed over under or across any railway of the company it becomes in the opinion of the engineer advisable that the electric telegraphic telephonic or signal wires or apparatus of the company should be altered the company may execute any works requisite for such alteration and the expense of executing such works and any additional expense incurred by the company in the maintenance of such wires or apparatus by reason of their being altered as aforesaid or in the laying or maintenance of new wires or apparatus at any such point as aforesaid by reason of the construction or user of the tramways shall be borne by the Corporation :



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- (7) Any additional expense in the maintenance of the bridge carrying Duffield Road or King Street over the Great Northern Railway occasioned to the company by the construction or user of the tramways shall be borne by the Corporation :
- (8) If the company shall hereafter require to widen lengthen reconstruct alter strengthen or repair any bridge over which the tramways shall be constructed or the approaches to any such bridge the Corporation shall afford the company all proper and reasonable facilities for those purposes or any of them and if the company shall find it necessary for any such purposes that the working or user of any portion of the tramways over any such bridge or approaches shall be wholly or in part stopped or delayed or that any portion of the tramways shall be wholly or in part taken up or removed and the company shall give to the Corporation seven days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal the working or user of such portion of the tramways shall be stopped or delayed or such portion of the tramways shall be taken up or removed as stated in such notice at the expense of the Corporation and under their superintendence if such superintendence shall be given but no such working or user shall be stopped or delayed for a longer period than may be necessary for effecting such purposes as aforesaid and such portion of the tramways shall be restored with all reasonable despatch and the company shall not be liable for any compensation claims damages or expenses in respect of such stoppage delay taking up or removal as aforesaid :
- (9) The Corporation and the company may agree upon any variation of or alteration in the works in this section provided for or in the manner in which the same shall be executed :
- (10) Any question arising between the Corporation and the company under this section shall be determined unless otherwise agreed by an arbitrator to be appointed by the Board of Trade on the application of either party after notice to the other.

For further protection of London and North-Western Railway Company.

**72.** The following provisions for the further protection of the London and North Western Railway Company (herein-after referred to as "the North Western Company") shall unless otherwise agreed have full force and effect and be binding upon the Corporation:—

Where Tramway No. 1 is intended to pass in front of the entrances to the North Western Company's goods station at



London Road no additional crossing passing place siding junction or other work otherwise than as shown on the deposited plans shall be made for or in connexion therewith for the distance thereon extending in front of such entrances and for a length of ten yards at each end of such distance without the consent of the North Western Company under their common seal and without such consent no carriage used on the tramways shall be stopped or permitted to be stopped within such distance and lengths except for and only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers.

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**73.** Subject to the provisions of this Part of this Act the tramways shall form part of the existing tramway undertaking of the Corporation and the Corporation and their lessees and licencees may in respect of the tramways exercise and enjoy all and the like powers rights and privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are respectively subject and liable to with respect to their existing tramway undertaking or any part thereof and may demand take and recover in respect of the tramways or any parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds as they may now demand and take in respect of their tramway undertaking.

Tramways  
to form part  
of Corpo-  
ration's  
tramway  
undertaking.

**74.** The Corporation may upon any lands which they are authorised to appropriate and use for the purposes of this Act provide erect or construct any offices stables sheds workshops stores waiting-rooms or other buildings yards works and conveniences (not being stations or works for generating electrical power) for the purposes of the tramway undertaking Provided that the Corporation shall not at any time hold for such purposes more than ten acres of land Provided also that nothing in this Act shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section.

Power to  
use land for  
tramway  
purposes.

**75.** The tramways shall be completed within seven years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for  
completion  
of tramways.

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Inspection  
by Board of  
Trade.

**76.** The tramways authorised by this Act shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Tramways to  
be kept on  
level of  
surface of  
road.

**77.** If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the Corporation tramways is laid or authorised to be laid the Corporation may and shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Plan of  
proposed  
mode of  
construction.

**78.** In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they open or break up any road for the purpose of constructing laying down maintaining and renewing any of the Corporation tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramway and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance and renewal of any of the Corporation tramways or any part thereof until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Gauge of  
tramways.

**79.** The tramways authorised by this Act shall be constructed on a gauge of four feet. Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages or engines used on the Corporation tramways but such carriages or engines shall not exceed six feet six inches in width or such other width as may be allowed by the Board of Trade.

Rails of  
tramways.

**80.** The rails of the Corporation tramways shall be such as the Board of Trade may approve.

Penalty for  
not main-  
taining rails  
and roads.

**81.—(1)** The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Act authorised outside the borough and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a further penalty not exceeding five pounds for every day on which such non-compliance continues after conviction thereof.



(2) In case it is represented in writing to the Board of Trade A.D. 1901.  
 by the road authority of any district outside the borough in which  
 any portion of the tramways is situate or by twenty inhabitant  
 ratepayers of such district that the Corporation have made default  
 in complying with the provisions in this section contained or with  
 any of the requirements of section 28 of the Tramways Act 1870  
 the Board of Trade may if they think fit direct an inspection by an  
 officer to be appointed by the said Board and if such officer report  
 that the default mentioned in such representation has been proved  
 to his satisfaction then and in every such case a copy of such report  
 certified by a secretary or an assistant secretary of the Board of  
 Trade may be adduced as evidence of such default and of the  
 liability of the Corporation to such penalty or penalties in respect  
 thereof as is or are by this section imposed.

**82.** The Corporation may lay down double lines in lieu of Power to  
 single or interlacing lines or single lines in lieu of double or inter- make double  
 lacing lines or interlacing lines in lieu of double or single lines on lines &c. and  
 any of the tramways and if at any time after the construction of make addi-  
 any of the tramways the road in which the same or any part thereof tional pass-  
 is laid has been or shall be altered or widened the Corporation may ing places.  
 take up and remove such tramway or part thereof and reconstruct  
 the same in such position as they may think fit and the Corporation  
 may subject to the provisions of this Act make maintain alter and  
 remove all such crossings passing places sidings junctions turn-outs  
 and other works in addition to those particularly specified in and  
 authorised by this Act as may from time to time be necessary or  
 convenient for the efficient working of the tramways or any of them  
 or for facilitating the traffic of the roads in which the same are laid  
 or for providing access to any warehouses stables carriage houses  
 sheds or works Provided that in the construction of any works  
 under the powers of this section no rail shall be so laid that for a  
 distance of thirty feet or upwards a less space than nine feet six  
 inches shall intervene between the said rail and the outside of the  
 footpath on either side of the road unless such less space shall have  
 intervened prior to the construction of such works if one third of  
 the owners or one third of the occupiers of the premises abutting on  
 the place where such less space shall intervene shall by writing  
 under their hands addressed and delivered to the Corporation express  
 their objection thereto.

**83.** The Corporation may subject to the provisions of this Additional  
 Part of this Act make maintain alter and remove such crossings crossings.  
 passing places sidings junctions and other works in addition to



A.D. 1901. — those particularly specified in and authorised by this Part of this Act as they find necessary or convenient for the efficient working of the Corporation tramways or for providing access to any warehouses stables or carriage houses or works of the Corporation Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto.

Temporary tramways may be made where necessary.

**84.** Where by reason of the execution of any work affecting the surface or soil of any road along which any of the Corporation tramways is laid it is in the opinion of the Corporation necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued provided that no temporary tramway constructed outside the borough under the powers conferred by this section shall remain for a longer period than one month without the consent of the road authority.

Corporation may reduce width of footway for constructing tramways.

**85.** For the purpose of constructing any tramway in any street within the borough the Corporation may increase the width of the roadway of such street by reducing the width of the footway on each or either side of such street but not so as to be less than six feet.

Power to purchase tramways outside borough.

**86.** The power conferred on the Corporation by the Tramways Act 1870 to purchase tramways within the borough is hereby extended so as to authorise the Corporation by agreement to purchase or take upon lease any authorised tramways or tramroads outside the borough which form continuations of authorised tramways or tramroads at any time existing within the borough which can be worked in connexion therewith Provided that nothing in this Part of this Act contained shall prejudice or affect the powers of the local authorities for the respective districts or parishes in which such tramways may be situate under section 43 of the Tramways Act 1870 or under any other Act relating to those tramways.

Reconstruction and adaptation

**87.** The Corporation may reconstruct or alter any of their existing tramways and may construct erect lay down place and



maintain in over or under the surface of any street all such works as may be necessary or expedient for the purpose of adapting such tramways and the tramways by this Part of this Act authorised to the use of mechanical power and the Corporation may make and maintain such openings in on or under the surface of any street or place.

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—  
of tramways  
to mecha-  
nical power.

**88.** The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the Corporation tramways by mechanical power :

Attachment  
of brackets  
to houses.

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) :

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purposes of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

**89.** Notwithstanding anything to the contrary contained in the Tramways Act 1870 or in any other Act or Order the Corporation may place and run carriages on and may work any tramways or tramroads for the time being belonging to or in lease to the Corporation or on which they may have any powers to place or run carriages whether within or beyond the borough and may take and demand tolls and charges in respect of such tramways or tramroads

Power to  
Corporation  
to work  
tramways or  
tramroads.

A.D. 1901. and of the use of carriages thereon and the Corporation may reconstruct or alter such tramways or tramroads and may provide all such buildings cars rolling stock engines machinery electric and other plant apparatus and appliances horses and stables as they may deem requisite or convenient for the working or user by the Corporation of the tramways or tramroads by animal or mechanical power and may sell or dispose of or exchange such of the before-mentioned articles and things as from time to time may no longer be required.

Working  
agreements.

**90.** The Corporation on the one hand and any person company or local authority on the other hand may from time to time enter into agreements with respect to the following purposes or any of them (that is to say):—

- (a) The maintenance management and repair of any tramways or tramroads within or communicating with the borough for the time being belonging to or in lease to them respectively or any part thereof;
- (b) The working and leasing of any such tramways or tramroads and the conveyance of traffic thereon;
- (c) The placing and running under any agreement for the working of the respective tramways or tramroads of the contracting parties by the other of them of carriages on any such tramways or tramroads necessary for the purposes of such agreement the running of through traffic and the interchange of traffic;
- (d) The payment collection and apportionment of tolls rents or other receipts arising upon the respective tramways or tramroads:

Provided that every such agreement and any lease made in pursuance thereof shall be terminable by any party thereto at the expiration of any term not exceeding twenty-one years from the date thereof but may be renewed for a like term at the expiration of any such term and of every subsequent term for which the same may from time to time be renewed.

Application  
of road  
materials  
excavated in  
construction  
of works.

**91.** Any paving metalling or material excavated by the Corporation in the construction of any works under the authority of this Act from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Cheap fares  
for labouring  
classes.

**92.—(1)** The Corporation at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics



and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance. On Saturdays the Corporation in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

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(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

**93.** The Corporation may provide and maintain and may work run or use omnibuses in connexion with the Corporation tramways along the routes of the existing and intended tramways and between the points following that is to say between the Market Place and the junction of Mansfield Road and Alfreton Road and they may levy and take such tolls rates or charges for the use of such omnibuses as they may think reasonable.

Power to use omnibuses.

**94.** The following sections of the Act of 1899 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways and the works for reconstructing and altering the existing tramways for adapting the same to the use of mechanical power by this Act authorised:—

Applying certain provisions of Act of 1899.

- Section 15 Provisions as to motive power.
- Section 16 Special provisions as to the use of electric power.
- Section 17 For protection of Postmaster-General.
- Section 18 For protection of London and North Western Railway Company.
- Section 19 Byelaws.
- Section 21 Corporation not bound to carry goods.
- Section 22 Carriage of small parcels.
- Section 24 Power to acquire patent rights.
- Section 30 Mechanical power works to be subject to section 30 of Tramways Act 1870.

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Traffic upon  
tramways.Generating  
stations.

**95.** The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels.

**96.** The Corporation may upon the lands described in the Third Schedule to this Act (but not elsewhere) construct a station or stations for generating electric power and may thereon (either in connexion with or separate from their electric lighting works thereon) provide and use dynamos engines and other apparatus and things necessary or proper for the generation of electricity and they may from such station supply electricity for lighting and heating purposes and motive power.

Subject nevertheless to all provisions for the protection of the telegraphic lines of the Postmaster-General and his rights in respect thereof which are contained in the Derby Corporation Electric Lighting Order 1890.

## PART IV.

## WATERWORKS.

Power to  
make water-  
works and  
acquire  
lands &c.

**97.** Subject to the provisions of this Act the Corporation may make and maintain in and according to the lines situations and levels shown on the deposited plans and sections the works hereinafter described and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for that purpose and they may collect use and appropriate all waters intercepted by any of the said works or found in or upon or under any of the said lands The works hereinafter described will be wholly situate in the county of Derby and are as follows:—

- (1) A filter tunnel (No. 1) situate wholly in the parish of Allestree commencing in the field or land numbered 80 on the  $\frac{1}{2500}$  Ordnance map of that parish (1882 edition) and terminating by a junction with an existing filter tunnel belonging to the Corporation in the field or land numbered 81 on the said Ordnance map :
- (2) A filter tunnel (No. 2) situate wholly in the said parish of Allestree commencing by a junction with an existing filter tunnel belonging to the Corporation situate on or near to the eastern side of the field or land numbered 99 on the  $\frac{1}{2500}$  Ordnance map of that parish (1882 edition) and terminating at or near the southern side of the field or land numbered 222 on the  $\frac{1}{2500}$  Ordnance map of the said parish :
- (3) A filter tunnel (No. 3) commencing in the said parish of Allestree at or in the existing air shaft belonging to the



Corporation situate in the field or land numbered 100 on the  $\frac{1}{2500}$  Ordnance map of that parish (1882 edition) and terminating in the parish of Breadsall in the field or land numbered 483 on the  $\frac{1}{2500}$  Ordnance map of the last-mentioned parish :

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- (4) A filter tunnel or conduit (No. 4) commencing in the said parish of Allestree at or in an existing air shaft belonging to the Corporation and situate near the southern end of the field or land numbered 4 on the  $\frac{1}{2500}$  Ordnance map of that parish (1882 edition) and terminating in the parish of Breadsall at or in the intended tank herein-after described in the field or land numbered 219 on the  $\frac{1}{2500}$  Ordnance map of the said last-mentioned parish :

- (5) A tank wholly situate in the said field or land numbered 219 lastly herein-before referred to :

Together with all necessary and proper cuts channels adits catchwaters aqueducts culverts tunnels pipes drains sluices overflows weirs gauges wells tanks banks filter beds walls embankments bridges roads approaches telegraphic and telephonic apparatus engines machinery appliances apparatus and conveniences connected with the said works or any of them or necessary for conducting inspecting maintaining repairing cleansing or managing the same Provided that such telegraphic and telephonic apparatus shall not be used in contravention of the exclusive privilege conferred upon His Majesty's Postmaster-General by the Telegraph Act 1869.

**98.** In the construction of the works by this Part of this Act authorised or any of them the Corporation may subject to the provisions of this Act deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards.

Power to deviate.

**99.** The several works authorised to be constructed and the lands authorised to be acquired by this Act for waterworks purposes shall be deemed to form part of the water undertaking of the Corporation and all the powers and authorities of the Corporation in relation to their water undertaking shall extend and apply to and be exerciseable throughout the extended borough.

Waterworks to be deemed to form part of water undertaking of Corporation.

**100.** All works to be constructed by the Corporation under the powers of this Part of this Act affecting the railways of the Midland Railway Company (in this section referred to as "the Midland Company") or any of the works lands or property of the

For protection of Midland Railway Company as to waterworks.

A.D. 1901. Midland Company shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Company and according to plans and specifications to be previously submitted to and reasonably approved by him in writing. Provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within twenty-eight days after the same shall have been submitted to him he shall be deemed to have approved thereof.

The works shall be constructed and maintained so that the traffic upon the Midland Railway at the ordinary rate of speed shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Company and in all things at the expense of the Corporation.

During the construction of the works affecting the railway works and lands of the Midland Company the Corporation shall bear and on demand pay to the Midland Company the expense of the employment of a reasonably sufficient number of inspectors, signalmen and watchmen to be appointed by that company for watching their railways and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference, obstruction, danger and accident which may arise from any of the operations or from the acts or defaults of the Corporation or their contractors, or any person or persons in the employment of the Corporation or their contractors.

If by reason of the construction or maintenance of the works, or any of them or the failure of any of the works or of the maintenance thereof or otherwise the said railway or the works connected therewith shall be injured or the traffic impeded the Corporation shall compensate the Midland Company for all costs to which that company may be put in repairing the said damage and shall also pay by way of liquidated damages to the Midland Company ten pounds for every hour during which such traffic shall be impeded.

The Corporation shall also indemnify the Midland Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on the said railway or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the Corporation or any of their contractors or their respective servants or workmen.

The Corporation shall not acquire any estate or interest in the lands and property of the Midland Company other than an easement



or right of constructing and maintaining therein the works by this Part of this Act authorised. A.D. 1901.

The amounts to be paid for the acquisition of such easement shall in case of dispute be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

Any difference which shall at any time arise between the Corporation and the Midland Company under this section shall be determined by an engineer to be agreed upon by the Corporation and the Midland Company or failing agreement to be appointed by the president of the Institution of Civil Engineers.

**101.**—(1) The Corporation may make byelaws for securing the purity of the water which they are authorised to impound or take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper sanitary conveniences and make provision for the prevention of nuisances and the prevention or regulation of any act or thing tending to pollution of the water. Byelaws for securing purity of water.

(2) The byelaws made under this section shall be in force within the drainage area or within so much of that area as may be defined in the byelaws.

(3) All byelaws made under this section shall be subject to the approval of the county council and the district council of every district comprising any part of the drainage area within which it is proposed that they shall be in force provided that such consent shall not be necessary where in the opinion of the Local Government Board it has been unreasonably withheld.

(4) The Corporation shall pay compensation to the owners or any other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section who shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled by two justices in accordance with the provisions of the Lands Clauses Acts as in the case of claims for compensation under section 22 of the Lands Clauses Consolidation Act 1845.

**102.** All byelaws when confirmed shall be printed by the Corporation and copies thereof shall be sent to the clerk to the county council and to the clerk to the district council of every district in which any part of the drainage area affected by such byelaws is situated. And copies shall also be kept at the town clerk's office and a copy shall be delivered without charge to the owners lessees and occupiers of any lands within the drainage area who shall apply for the same. Publication of byelaws when confirmed.

A.D. 1901.

Power to  
agree as to  
drainage of  
lands &c.

**103.** The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into the reservoirs and waterworks.

Time for  
completion of  
waterworks.

**104.** If the works by this Part of this Act authorised and shown on the deposited plans and sections are not completed within four years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

## PART V.

## SEWERAGE AND SEWAGE DISPOSAL WORKS.

Appropriation of lands  
for sewage  
purposes.

**105.** The Corporation may appropriate and utilise for the treatment and disposal of sewage the lands described in the Fifth Schedule to this Act and may construct and lay down on such lands all necessary and proper buildings engines pumps boilers machinery filters contact beds tanks sewers drains culverts channels and other sewage works Provided always that on the appropriation of any such lands the value thereof shall be credited to the fund out of which the same were purchased or paid for.

Power to  
make sewer-  
age works.

**106.** Subject to the provisions of this Act the Corporation may make and maintain in and according to the lines situations and levels shown on the deposited plans and sections the sewerage works herein-after described together with all necessary and proper intakes outfalls overflows sewers drains channels weirs sluices junctions syphons engines pumps boilers machinery culverts shafts tanks manholes filters contact beds works buildings and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for that purpose The works herein-after described will be wholly situate in the county of Derby and are as follows :—

Work No. 1 A sewer or sewers commencing in the parish of Derby in the enclosure numbered 67 on the  $\frac{1}{2500}$  Ordnance map of the said parish (1881 edition) at a point 130 yards or



thereabouts from the north-east corner of the said enclosure measured in a south-westerly direction and 70 yards or thereabouts from the north-west corner of the said enclosure measured in a southerly direction passing through the parishes of Derby Osmaston and Alvaston and Boulton and terminating in the River Derwent in the parish of Alvaston and Boulton in the enclosure numbered 24 on the  $\frac{1}{2500}$  Ordnance map of the said parish (1881 edition) at a point 200 yards or thereabouts from the north-west corner of the said enclosure measured in an easterly direction and 140 yards or thereabouts from the east corner of the enclosure numbered 32 on the said Ordnance map measured in a northerly direction :

Work No. 2 A sewer or sewers wholly in the parish of Derby commencing at the junction of Farm Street and Wood's Lane at a point 140 yards or thereabouts from the corner formed by the northern side of Boyer Street and the western side of Abbey Street and 200 yards or thereabouts from the corner formed by the northern side of Burton Road and the west side of Abbey Street and terminating at the junction of Curzon Street and Newland Street :

Work No. 3 A sewer or sewers wholly in the parish and borough of Derby commencing at the junction of Becket Street and Newland Street and terminating at the junction of Curzon Street and Newland Street :

Work No. 4 A sewer or sewers wholly in the parish of Derby commencing at the junction of Becket Street and Macklin Street and terminating at the junction of Curzon Street and Wardwick :

Work No. 5 A sewer or sewers wholly in the parish of Derby commencing at the junction of Agard Street and Ford Street and terminating at the junction of Cheapside and Wardwick :

Work No. 6 A sewer or sewers wholly in the parish of Derby commencing at the junction of Green Lane and St. Peter's Churchyard and terminating in the Market Place at the junction of Derwent Street and Tenant Street :

Work No. 7 A sewer or sewers wholly in the parish of Derby commencing in Victoria Street at a point 60 yards or thereabouts from the corner formed by the south side of Albert Street and St. Peter's Street and 30 yards or thereabouts from the corner formed by Victoria Street and the east side of Green Lane and terminating at the junction of St. James's Street and the Corn Market :



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Work No. 8 A sewer or sewers wholly in the parish of Derby commencing in the centre of Colyear Street 100 yards or thereabouts from its junction with Macklin Street and terminating at the junction of Victoria Street and Becketwell Lane :

Work No. 9 A sewer or sewers wholly in the parish of Derby commencing in St. Peter's Street at a point 20 yards or thereabouts from the corner formed by the southern side of Albert Street and St. Peter's Street and 10 yards or thereabouts from the corner formed by the southern side of Thorntree Lane and St. Peter's Street and terminating in Morledge at a point 10 yards or thereabouts measured in a northerly direction from the corner formed by the southern side of East Street and Morledge and 20 yards or thereabouts from the corner formed by the northern side of East Street and Morledge :

Work No. 10 A sewer or sewers wholly in the parish of Derby commencing in Exchange Street at a point 50 yards or thereabouts from its junction with East Street and terminating at the junction of East Street and Exchange Street :

Work No. 11 A sewer or sewers wholly in the parish of Derby commencing in City Road at its junction with Old Chester Road and terminating near Bass's Recreation Ground at a point 15 yards or thereabouts from the south corner of the Canal House measured in a south-easterly direction and 10 yards or thereabouts from the south-east end of the lock adjoining thereto measured in an easterly direction :

Work No. 12 A sewer or sewers wholly in the parish of Derby commencing in the public road at the Cattle Market Derby at a point 10 yards or thereabouts in a westerly direction from the western corner of the Corporation Hotel and 15 yards or thereabouts from the northern corner of the enclosure numbered 14 on the  $\frac{1}{2500}$  Ordnance map of the said parish (1881 edition) and terminating in enclosure numbered 21 on the said Ordnance map at a point 10 yards or thereabouts from the south corner and 60 yards or thereabouts from the east corner of enclosure numbered 18 on the said Ordnance map :

Work No. 13 A sewer or sewers wholly in the parish of Derby commencing in enclosure numbered 12 at a point 30 yards or thereabouts from the south-east corner of the bridge across the River Derwent at the Cattle Market Derby and 76 yards or thereabouts from the south-west corner of the bridge over the watercourse in Meadow Road and terminating in enclosure



numbered 22 on the  $\frac{1}{2500}$  Ordnance map of the said parish (1881 edition) at a point 110 yards or thereabouts from the south-east corner of the bridge across the River Derwent at the Cattle Market Derby and 70 yards or thereabouts from the bridge over the watercourse before mentioned :

Work No. 14. A sewer or sewers commencing in the parish of Alvaston and Boulton in enclosure numbered 24 on the  $\frac{1}{2500}$  Ordnance map of the said parish (1881 edition) at a point 110 yards or thereabouts measured in an easterly direction from the north-west corner of the said enclosure and 180 yards or thereabouts from the east corner of the enclosure numbered 32 on the said Ordnance map measured in a north-westerly direction and terminating in the parish of Spondon at the pumping station herein-after described :

Work No. 15. A pumping station wholly in the said parish of Spondon to be constructed on enclosure numbered 447 on the  $\frac{1}{2500}$  Ordnance map of the said parish (1881 edition) :

Work No. 16. Covered tanks in the said parish of Spondon about 340 feet long and 220 feet wide to be constructed on enclosures numbered 447 448 and 449 on the said  $\frac{1}{2500}$  Ordnance map for the said parish (1881 edition) :

Work No. 17. Filters wholly in the parish of Spondon to be constructed on enclosures numbered 447 448 449 450 451 452 459 460 and 437 on the  $\frac{1}{2500}$  Ordnance map of the said parish (1881 edition) :

Work No. 18. A filter wholly in the parish of Spondon to be constructed on enclosures numbered 445 446 and 447 on the  $\frac{1}{2500}$  Ordnance map for the said parish (1881 edition) :

Work No. 19. A sewer or sewers commencing in Dale Road in the parish of Derby at a point 60 yards or thereabouts measured in a southerly direction from its junction with Lower Dale Road and Byron Street passing through the parishes of Derby Osmaston and Alvaston and Boulton and terminating at the commencement of Work No. 14 :

Work No. 20. A sewer or sewers wholly in the parish of Alvaston and Boulton commencing at a point 130 yards or thereabouts from the south-west corner of enclosure numbered 73 measured in a north-easterly direction and 190 yards or thereabouts from the north-east corner of enclosure numbered 79 measured in a north-westerly direction and terminating in enclosure numbered 30 on the  $\frac{1}{2500}$  Ordnance map of the said parish (1881 edition) at a point 70 yards or thereabouts from

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the south-west corner of enclosure numbered 73 and 90 yards or thereabouts from the south-west corner of enclosure numbered 30 on the said Ordnance map :

Work No. 21 A sewer or sewers wholly in the parish of Alvaston and Boulton commencing in the public road at a point 30 yards or thereabouts measured in a westerly direction from the north-east corner of enclosure numbered 177 and 110 yards or thereabouts measured in a northerly direction from the north-east corner of enclosure numbered 175 on the  $\frac{1}{2500}$  Ordnance map of the said parish (1881 edition) and terminating in the public road at a point 170 yards or thereabouts measured in a north-westerly direction from the south corner of enclosure numbered 112 and 60 yards or thereabouts measured in a north-easterly direction from the north-east corner of enclosure numbered 119 on the said Ordnance map :

Work No. 22 A sewer or sewers commencing in the parish of Normanton in the centre of St. Thomas's Road at a point 240 yards or thereabouts from its junction with Harrington Street measured in a southerly direction and terminating in the parish of Derby in enclosure numbered 147 on the  $\frac{1}{2500}$  Ordnance map of the said parish (1881 edition) at a point 80 yards or thereabouts measured in an easterly direction from the south-west corner of enclosure numbered 145 and 50 yards or thereabouts from the south-west corner of enclosure numbered 146 on the said Ordnance map measured in a northerly direction :

Work No. 23 A sewer or sewers wholly in the parish of Normanton commencing in the road leading from Littleover village to Normanton village at the point where the parish boundary between Littleover and Normanton crosses the said road and terminating in Derby Lane at a point 60 yards or thereabouts measured in a northerly direction from the north-west corner of enclosure numbered 187 and 40 yards or thereabouts measured in an easterly direction from the south-east corner of enclosure numbered 183 on the  $\frac{1}{2500}$  Ordnance map of the said parish.

**107.** In executing the works by this Part of this Act authorised where the same will affect any railway or any part of the works or property (which railway works and property are herein-after called "the railway") of the Midland Railway Company (herein-after called "the Midland Company") the following provisions shall unless with the previous consent of the Midland Company in

For protec-  
tion of  
Midland  
Railway  
Company as  
to sewage  
works.



writing under their common seal apply and have effect (that is to say) :— A.D. 1901.

All works to be done by the Corporation in the exercise of the powers conferred by this Part of this Act in any way affecting the railway shall be executed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and according to plans and drawings to be previously submitted to and reasonably approved by him. Provided that if for twenty-eight days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Corporation of his objections thereto he shall be deemed to have approved thereof :

Any works affecting the railway which the Corporation may execute under this section shall be constructed so as not to cause any injury to the railway of the Midland Company or interruption to the passage or conduct of traffic at the ordinary rate of speed over the railway and if in consequence of the execution of such works any injury be caused to the railway or any interruption be caused to the traffic the Corporation shall make full compensation to the Midland Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration as hereinafter provided :

The Corporation shall bear and on demand pay to the Midland Company the expense of the employment by that company during the execution of any works affecting the railway of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Corporation and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors :

The Corporation shall acquire only such an easement across over or under the railway as may be necessary for constructing or maintaining the works of the Corporation by this Part of this Act authorised and shall pay to the Midland Company for any such easement to be acquired by them such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement :

Any dispute or difference which may arise between the Midland Company and the Corporation with reference to the provisions

A.D. 1901:

of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall unless otherwise agreed be settled by an arbitrator to be appointed by the Board of Trade on the application of the Midland Company or the Corporation after notice to the other.

For protec-  
tion of  
Derbyshire  
County  
Council.

**108.** For the protection of the county council the following provisions shall unless otherwise agreed between the Corporation and the county council have effect (that is to say):—

(1) It shall be lawful for any officer or other person authorised by the county council and producing his written authority (if required so to do) at any time to enter upon the lands of the Corporation for the purpose of collecting samples of effluent to open and enter a manhole or manholes to be constructed on the effluent drain or drains nearest to the points at which such effluent drain or drains discharge into the Rivers Derwent or Trent or any of their tributaries and to take and carry away therefrom or from any other point where the effluent from the sewage works of the Corporation discharges or is discharged into any river or stream samples of such effluent:

(2) Such samples shall be taken by such officer or person in duplicate and shall thereupon before they are taken away from such works be respectively sealed up and marked by him and he shall deliver one of such duplicate samples to the Corporation another sample may if the county council think fit be submitted for analysis:

(3) Any person who obstructs or molests such officer or other person shall be liable to a penalty not exceeding five pounds and such penalty shall be recoverable by the county council in any court of summary jurisdiction and shall be applied by them to the credit of the county fund of the county council.

For pro-  
tection of  
parish  
of Spondon.

**109.—**(1) The sewage disposal works constructed on the lands acquired under the powers of this Act shall at all times hereafter be conducted so that the same shall not be a nuisance and in particular the Corporation shall not allow any noxious or offensive effluvia to escape therefrom or do or permit or suffer any other act which shall be a nuisance or injurious to the health or reasonable comfort of the inhabitants of Spondon and this Act shall not exempt or be deemed to exempt the Corporation from any liability for any nuisance arising from such sewage disposal works or from any proceedings which might but for this Act be taken against them under the provisions of the Public Health Acts or otherwise and



the county council may take any proceedings they may think fit for the purpose of enforcing or giving effect to these provisions.

(2) The Corporation shall within six months after they have acquired under the provisions of this Act the lands described in the Fifth Schedule hereto reserve out of the same a strip of land ten yards in width along the northern boundary of such lands and shall forthwith plant the said strip with trees and evergreen shrubs so as to form an effectual screen in front of the rest of the lands and shall for ever afterwards maintain the same so planted. The rural district council may take such proceedings as they think fit for the purpose of enforcing or giving effect to the provisions of this subsection.

**110.** The following provisions for the protection of the Great Northern Railway Company (in this section called "the company") shall unless with the previous consent of the company in writing under their common seal apply and have effect with respect to the works authorised by this Part of this Act:—

For protection of Great Northern Railway Company as to sewage works.

- (1) The Corporation shall not without the previous consent of the company in writing under their common seal take use enter upon or interfere with any land railway siding or other work belonging or leased to or worked by the company except only so far as shall be necessary for the purpose of making and maintaining Work No. 1 by this Part of this Act authorised as the same is according to this Act to be constructed.
- (2) With respect to any land railway siding or other work belonging or leased to or worked by the company which the Corporation are by this Act authorised to enter upon use or interfere with for the purposes of the said Work No. 1 the Corporation shall not purchase or take the same but the Corporation may purchase and take and the company may and shall sell and grant according to their estate and interest in and subject to all easements rights and covenants affecting the said land an easement or right of constructing under the same Work No. 1 by this Act authorised.
- (3) The consideration to be paid for any easement or right acquired by the Corporation from the company shall in case of dispute be determined in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement.
- (4) The said Work No. 1 and Work No. 11 by this Act authorised where the same will be made under or will affect any land railway siding or other work belonging or leased to or worked by the company shall be constructed under the superintendence and to the reasonable satisfaction of the engineer of the



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company (herein-after called "the engineer") of such materials by such method of construction and according to such plans sections and specifications as shall have been previously submitted to and approved by the engineer or in case of difference between him and the engineer of the Corporation by an arbitrator to be appointed as herein-after provided who shall have regard to the purposes for which such land railway siding or other work is or is intended to be used and the Corporation shall comply with all directions which the engineer may give for the purpose of preventing injury to the railway or works of the company or interruption to the traffic on such railway :

- (5) The Corporation shall maintain the said Works Nos. 1 and 11 where the same will be constructed under or may affect any land railway siding or other work belonging or leased to or worked by the company in substantial repair and good order and condition in accordance with the plans sections and specifications so approved as aforesaid to the reasonable satisfaction in all respects of the engineer and if and whenever the Corporation fail so to do the company may do in and upon the lands of the Corporation and their own lands all such works and repairs as may be reasonably requisite in that behalf and the reasonable amount of their expenditure in so doing shall upon demand be repaid to them by the Corporation :

Provided that the Corporation shall not enter upon or interfere with any such land railway siding or other work for the purpose of executing any repairs to any such works of the Corporation as aforesaid until after forty-eight hours' notice in writing to the engineer or in case of emergency such notice as may be reasonably practicable :

- (6) The Corporation shall not construct any manhole in any land of the company without the previous written consent of the engineer and in the event of the level of the railway adjoining any manhole being at any time altered the Corporation shall at their own expense raise or lower the manhole to the new surface and execute all work necessary in connexion with the alteration thereof :
- (7) Nothing contained in or to be done under this Act shall prejudice or affect the right of the company to use any land belonging or leased to them for any purposes which they may think fit and the company shall be at liberty without making any payment to the Corporation to construct works and build over the said Work No. 1 :
- (8) The provisions of subsections 2 3 and 4 of the section of Part III. of this Act whereof the marginal note is " For



protection of Great Northern Railway Company as to tramways" shall extend and apply with respect to the works authorised by this Part of this Act:

(9) Land which the company have contracted to buy or for which they have served notice to treat shall for the purposes of this section be deemed to be land belonging to the company:

(10) Any question arising between the Corporation and the company under this section except under subsection 3 hereof shall be determined by an engineer to be appointed unless otherwise agreed by the Board of Trade on the application of either party after notice to the other.

**111.** In the construction of the works by this Part of this Act authorised the Corporation may deviate to any extent not exceeding the limits of deviation defined on the deposited plans and they may deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards:

Power to deviate in construction of sewerage works.

Provided that no such deviation upwards shall cause any part of the said works to be raised above the surface of any road or above the surface of any other ground except for the purpose of crossing any stream or canal.

**112.** If the works by this Part of this Act authorised are not completed within four years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of such respective works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Time for completion of sewerage works.

**113.** The Corporation may divert all brooks streams and waters which can or may be intercepted or taken by the sewers authorised by this Part of this Act and the Corporation may by means of such sewers discharge or permit to flow into the River Derwent the waters so intercepted or taken together with any effluent and other waters passing over or through or discharged from the sewage disposal works of the Corporation:

Power to divert streams intercepted by authorised conduits &c.

Provided that nothing in this Part of this Act contained shall authorise the Corporation to construct any works or do any other thing in contravention of the Rivers Pollution Prevention Act 1876 or section 17 of the Public Health Act 1875:

Provided also that the Corporation shall pay compensation to any person for any damage sustained by reason of the exercise of the powers of this section the amount of such compensation failing

A.D. 1901. agreement to be settled by arbitration under the Arbitration Act 1889.

Stopping up  
of footpaths.

**114.** The Corporation may stop up and discontinue for public use any footpath shown on the deposited plans as intended to be stopped up and upon the stopping up and discontinuance of the same respectively the sites and soil thereof respectively shall be by this Act vested in the Corporation so far as they are the owners of the adjoining lands on both sides freed from all public and other rights over or affecting the same.

Provisions  
as to main  
drainage  
area.

**115.** In order to ensure the efficient drainage of the area herein-after defined and the collection treatment and disposal of the sewage of such area the following provisions shall have effect from and after the date of the passing of this Act (that is to say):—

(1) For the purposes of this section the expression “the local authorities” means the urban district council for the excluded part of the parish of Alvaston and Boulton and the rural district council of Shardlow in respect of the excluded parts of the parishes of Normanton and Osmaston:

(2) The area coloured yellow on the plan signed in triplicate by the Right Honourable the Lord Kintore (herein-after in this section referred to as “the signed plan”) being parts of the parishes of Alvaston and Boulton Osmaston and Normanton is hereby constituted a main drainage area (herein-after referred to as “the main drainage area”):

(3) The Corporation shall construct so far as the same have not been already constructed the main intercepting sewers in the main drainage area shown on the signed plan by blue lines and shall construct so far as the same have not been already constructed the branch sewers in the main drainage area shown on the signed plan by green lines:

(4) The main intercepting sewers shown on the signed plan by blue lines shall vest in and shall be repaired and maintained by the Corporation the sewage disposal works of the parish of Normanton situate in the excluded part of the parish of Osmaston coloured purple on the signed plan and the site thereof and the two pieces of land situate in the excluded part of the parish of Alvaston and Boulton coloured purple on the signed plan shall vest in the Corporation for all such estate and interest of the local authorities respectively and the branch sewers shown on the signed plan by green lines shall remain vested in and shall be repairable and maintained by the local authorities within whose district the same are situate:



(5) During the construction of the sewerage and sewage disposal works of the Corporation authorised by this Part of this Act the Corporation shall use and maintain the existing outfall works for the parish of Normanton situate in the parish of Osmaston for the purpose of treating therein the sewage of such part of the parish of Normanton as is situate in the main drainage area which is not otherwise disposed of and the Corporation shall within one year after the passing of this Act cause the branch sewers of such part of the parish of Normanton to communicate as herein-after provided with the sewers of the Corporation:

(6) So much of the main intercepting sewer by this Act authorised to be constructed within the parish of Alvaston and Boulton as shall be requisite for the purpose of collecting the sewage of the said parish shall be completed by the Corporation within two years from the date of the passing of this Act:

(7) The Corporation shall as soon as may be necessary until the completion of the sewerage and sewage disposal works of the Corporation provide temporary works for the treatment of the sewage passing through the main intercepting sewers of the Corporation to be constructed in that part of the parish of Alvaston and Boulton which is situate in the main drainage area and in the part of the parish of Alvaston and Boulton included in the borough:

(8) For the purpose of constructing a main intercepting sewer between the existing outfall works for the parish of Normanton and Allenton to connect with the main intercepting sewer of the Corporation being Work No. 19 on the deposited plans and for the purpose of executing any works in the main drainage area the Corporation are hereby empowered to and shall exercise the powers contained in sections 16 32 33 and 34 of the Public Health Act 1875 contemporaneously with the construction of the said Work No. 19 Provided that in so far as the powers of this subsection are in excess of the powers contained in the said sections of the Public Health Act 1875 the Corporation shall pay compensation to any person for any damage sustained by him by reason of such excess the amount of such compensation failing agreement to be settled by arbitration under the Arbitration Act 1889:

(9) If the local authorities or either of them from time to time by resolution under their common seal so require the Corporation shall undertake the construction of the branch sewers in the districts of the local authorities respectively and the local



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authorities respectively shall repay to the Corporation the amount incurred by the Corporation by equal annual payments of principal and interest for the same period as is sanctioned for the repayment thereof :

- (10) The local authorities respectively shall not after the date of the passing of this Act proceed with or construct any sewage disposal works or the main intercepting sewers in the main drainage area shown on the signed plan by blue lines or incur any further expense in connexion therewith without the consent of the Corporation. Provided that if it shall be found that any premises in the main drainage area cannot be drained by gravitation into the main intercepting sewers of the Corporation in the main drainage area the local authorities respectively shall not be prohibited from taking the necessary steps in order to drain the said premises in some other manner :
- (11) The local authorities respectively shall so far as practicable prevent storm waters from flowing into their branch sewers and through their branch sewers into the main intercepting sewers of the Corporation in the main drainage area :
- (12) The local authorities shall not permit any drain sewer surface drain eyehole or pipe conveying or capable of conveying sewage surface water subsoil water or other matter from any land not situate within the main drainage area either directly or indirectly to be connected or to communicate with the branch sewers or drains situate in the main drainage area and shall not permit any such sewage surface water subsoil water or other matter to pass directly or indirectly therein unless with the consent in writing of the Corporation :
- (13) The local authorities shall respectively submit plans sections and specifications to the Corporation for their approval of all branch sewers to be constructed within the main drainage area and the design gradient and construction of all such branch sewers and all connexions therewith shall be subject to regulations to be jointly made by the Corporation and the local authorities (which regulations the Corporation and the local authorities are hereby empowered jointly to make) and in case of disagreement arising between the Corporation and the local authorities as to the approval or disapproval of the said plans sections and specifications or as to any of the proposed regulations the matter shall be determined by an arbitrator to be appointed by the Local Government Board and the construction of such branch sewers shall be subject to inspection



by such person as may be appointed by the Corporation  
Provided that if for fourteen days after such plans sections and specifications shall have been submitted to the surveyor the Corporation shall fail to give notice to the local authorities respectively of their approval or disapproval they shall be deemed to have approved thereof :

(14) All mortgage debts expenditure and liabilities of the local authorities respectively incurred at the date of the passing of this Act in respect of the sewerage schemes of the urban district council for the parish of Alvaston and Boulton and of the rural district council for the parish of Normanton and in respect of the sewage disposal works the main intercepting sewers shown on the signed plan by blue lines the branch sewers shown on the signed plan by green lines and the lands of the local authorities respectively coloured purple on the signed plan shall be taken over reimbursed discharged and satisfied as the case may be by the Corporation :

(15) Except for the purposes of the construction and maintenance of the sewage disposal works and of the main intercepting sewers shown on the signed plan by blue lines the local authorities within the meaning of the Public Health Act 1875 for the time being of the parts of parishes constituting the main drainage area shall exercise and fulfil all powers and duties and shall save so far as the same are inconsistent with the provisions of this section be subject to all obligations and liabilities under the Public Health Act 1875 for the sewerage and drainage of such parts of parishes and in particular shall cause to be constructed such branch sewers as may be necessary for the effectual drainage of such parts of parishes and shall subject to the proviso of subsection 10 of this section cause such branch sewers to communicate in accordance with the provisions of the Public Health Act 1875 with the main intercepting sewers of the Corporation and the Corporation shall permit such communications to be made and shall treat and dispose of the sewage of the main drainage area on such terms as to annual payments and subject to such conditions as may be agreed upon between the local authorities respectively and the Corporation and in case of dispute as may be settled by an arbitrator to be appointed on the application of either party by the Local Government Board Provided that such terms and conditions shall be subject from time to time to revision by agreement or arbitration as aforesaid at the instance of either party Provided that the Corporation shall keep the local

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authorities respectively indemnified against any breach of the Rivers Pollution Prevention Acts 1876 and 1893 or the general law which may be committed by the Corporation in reference to the treatment and disposal by the Corporation of the sewage of the local authorities respectively and not arising through any neglect or default on the part of the local authorities respectively :

(16) The amounts of the annual payments to be made from time to time by the local authorities to the Corporation for permitting communications to be made with the main intercepting sewers and for the treatment and disposal of the sewage of the main drainage area shall be based upon the amounts which would from time to time be payable in respect of the main intercepting sewers and of the treatment and disposal of the sewage if the main drainage area were situate within and formed part of the borough :

(17) The local authorities respectively shall in addition to the amount payable under the last two preceding subsections repay to the Corporation by equal annual payments, of principal and interest extending over the period for which the loan for such works is sanctioned the cost of the branch sewers constructed in such parts of their respective parishes as are situate in the main drainage area and shown on the signed plan by green lines :

(18) So much of the parishes of Normanton and Osmaston as is situate in the main drainage area shall for the purposes of this section be deemed to be a special drainage district within the meaning of section 277 of the Public Health Act 1875 for the purpose of enabling the rural district council to charge exclusively upon those parts any amounts payable by the rural district council to the Corporation under this section and such amounts shall be deemed to be special expenses within the meaning of the Public Health Act 1875 :

(19) If the excluded part of the parish of Alvaston and Boulton remains an urban district the urban district council shall divide such district under the powers contained in the Public Health Act 1875 section 211 (4) for the purpose of enabling the urban district council to charge exclusively upon that part of the excluded part of the parish of Alvaston and Boulton which is situate within the main drainage area any amounts payable by the urban district council to the Corporation under this section and if the excluded part of the parish of Alvaston and Boulton is constituted by the county council under the



Local Government Act 1888 a contributory place in the Shardlow rural district then that part of the excluded part of the parish of Alvaston and Boulton which is situate in the main drainage area shall be deemed to be a special drainage district within the meaning of section 277 of the Public Health Act 1875 for the purpose of enabling the rural district council to charge exclusively upon such part any amounts payable by the rural district council to the Corporation under this section and such amounts shall be deemed to be special expenses within the meaning of the Public Health Act 1875 :

- (20) The local authorities respectively shall out of the rate or fund applicable for the payment of sanitary expenses under the Public Health Act 1875 pay to the Corporation the amounts agreed upon or settled under this section on the thirty-first day of March and the thirtieth day of September in each and every year and in default the same may be recoverable by the Corporation under section 300 of the Public Health Act 1875 as if the same were a sum specified in an order of the Local Government Board under such section.

**116.** For the protection of the Corporation the following provisions shall apply and have effect (that is to say) :—

As to sewage works at Darley Abbey.

- (1) The Belper Rural District Council shall within three years from the passing of this Act execute and carry out to the satisfaction of the county council such works as may be approved by the Local Government Board for the effectual treatment and disposal of the sewage of the parish of Darley Abbey so as to prevent such sewage from polluting the waters of the River Derwent :
- (2) It shall be lawful for any officer or other person duly authorised by the Corporation and producing his written authority if required so to do at any time to open and enter a manhole to be constructed on the effluent drain nearest to the point to which such effluent drain discharges into the River Derwent and to take and carry away therefrom samples of the effluent from the said sewage works :
- (3) Such samples shall be taken by such officer or person in triplicate and shall thereupon before they are taken away from such manhole be respectively sealed up and marked by him and he shall deliver one of such triplicate samples to the Belper Rural District Council another sample may if the Corporation think fit be submitted for analysis and the third sample shall be delivered to the county council :

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(4) Any person who obstructs or molests such officer or other person shall be liable to a penalty not exceeding five pounds and such penalty shall be recoverable by the Corporation in any court of summary jurisdiction and shall be applied by them to the credit of the borough fund.

Special provision as to sewage disposal works.

117. It shall be the duty of the Corporation within six months after the passing of this Act to proceed to carry out and execute the sewerage and the sewage disposal works authorised by this Part of this Act and in the event of the Corporation not proceeding with such works within such period as aforesaid or not proceeding with the same with due diligence the requirements of this section may be enforced in manner provided by section 299 of the Public Health Act 1875 as if this section were an Order of the Local Government Board limiting the time for the performance by the Corporation of their duty in that behalf and the Corporation had not performed the duty hereby imposed within the time limited in such Order.

#### PART VI.

##### STREET WIDENINGS AND WORKS.

Power to make street improvements.

118. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvements new streets and other works herein-after described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The street improvements and works herein-before referred to and authorised by this Act are:—

Work No. 1 The widening of Normanton Road as follows:—

On the east side thereof commencing at the south side of Sacheverel Street and terminating at the north side of Wilmot Street On the west side thereof commencing at house No. 39 about 77 yards north of the northern side of Mill Hill Lane and terminating at the north side of Belgrave Street Also commencing at a point about 24 yards south of the southern side of Chestnut Avenue and terminating at house No. 231 about 64 yards south of the before-mentioned point:

Work No. 2 The widening of Pear Tree Road on the east side thereof commencing at the south side of Corden Street and terminating at the north side of Richmond Road:

Work No. 3 The widening of Burton Road on the north-west side thereof commencing at a point opposite the south-east side of the east end of Whitaker Road and terminating at a point



about 160 yards south-west of the before-mentioned point where the road is already widened also on the south-east side commencing at a point about 41 yards north-east of the east side of Breedon Hill Road and terminating at a point about 77 yards south-west of the west side of Mount Carmel Street : A.D. 1901.

Work No. 4 The widening of Osmaston Road on the east side thereof commencing at the south side of High Street and terminating at the north side of Bloomfield Street also at the south side of Bateman Street at its junction with Osmaston Road and on the west side at the junction of Osmaston Road and Douglas Street (north side) :

Work No. 5 The widening of East Street on the north side thereof commencing at a point about 53 yards east of the eastern side of Exchange Street and terminating at the "Morledge" :

Work No. 6 The widening of Bold Lane on the west side thereof commencing at house No. 25 about 37 yards north of the west side of Cheapside and terminating about 23 yards north of that point also on the east side for the extent of the frontage of "Melbourne House."

**119.** In the execution of the said street improvements and works the Corporation may deviate from the levels shown on the deposited sections to any extent not exceeding two feet. Power to deviate.

**120.** Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connexion with the street improvements authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said street improvements and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the street improvements or of crossing under or over the same or otherwise and may alter divert stop up inclose use or appropriate all or any part of any street square place court alley or passage whether a thoroughfare or not or of any thoroughfare road lane or way or of any drain sewer channel void ground or other property shown on the deposited plans the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer Provided that the provisions of section 308 of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act. Power to make subsidiary works.



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Corporation  
empowered  
or may be  
required  
to underpin  
or otherwise  
strengthen  
houses near  
works.

**121.** If in the execution and maintenance of any works authorised by this Part of this Act it shall be necessary in order to avoid injury to the houses and buildings within one hundred feet of any part of the works by this Part of this Act authorised to underpin or otherwise strengthen the same the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as herein-after provided underpin and otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk at his office:
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be appointed at the instance of either party by the president of the Institution of Civil Engineers:
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The cost of the reference shall be in the discretion of the referee:
- (6) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:
- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove



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inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

(8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act :

(9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :

(10) Nothing in this section shall affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

**122.** The Corporation within the limits of deviation defined upon the deposited plans may raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars windows and channels pipes or spouts belonging to any house or building and also the drains mains and the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main or pipe laid down by the Corporation and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to alter steps, areas pipes &c.

**123.** If the street improvements by this Act authorised shall not be completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making the said improvements shall cease except as to so much thereof as is then completed.

Period for completion of street improvements.

**124.** The Corporation may during the execution and for the purposes of the street improvements by this Act authorised stop up any street and prevent all persons other than those bonâ fide

Temporary stoppage of streets.

A.D. 1901. going to or returning from any house in the street from passing along and using the same for any reasonable time The Corporation shall provide reasonable access for all persons so bonâ fide going to or returning from any such house.

Lands laid into streets to be public highways.

125. The sites of all houses and all lands purchased by the Corporation for the purposes of this Part of this Act and laid into and appropriated for streets shall when and so soon as the same are so laid into and appropriated for streets be and for ever thereafter form part of the public streets and shall be repaired and maintained and kept in repair in such and the same way and manner as the streets in the borough are for the time being by law maintained repaired and kept in order.

## PART VII.

### ACQUISITION OF LANDS.

Power to acquire lands.

126. Subject to the provisions and for the purposes of this Act the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference:

Provided that the Corporation shall not under this section without the previous consent of the Great Northern Railway Company in writing under their common seal purchase or take any land railway bridge siding or other work belonging or leased to or worked by that company.

Corporation to sell lands to Midland Railway Company.

127. If the Corporation shall hereafter acquire under the powers of this Act the property numbered on the deposited plans 1 3 4 5 6 and 16 in the parish of Spondon in the county of Derby or any portion thereof to which the provisions of this section will apply they shall within three months of such acquisition give notice to the Midland Railway Company that they have acquired such lands and if the Midland Railway Company serve upon the Corporation a notice to treat under the Lands Clauses Acts within one month after the receipt of the notice aforesaid from the Corporation the Corporation shall sell and convey to them a strip of land adjoining the Midland Railway and on the north side of the said land of a uniform width throughout of fifty feet and the purchase money or other consideration to be paid by the Midland Railway Company to the Corporation for the purchase of the said strip of land shall be settled in case of difference by arbitration as if the purchase were made by the Midland Railway Company under the powers of the Lands Clauses Acts.



**128.** The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

**129.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons empowered by Lands Clauses Acts to sell lands may grant easements &c.

**130.** The Corporation may appropriate and use with the approval of the Local Government Board and subject to such conditions as the Board may think fit to impose for any of the purposes of this Act or for any of the purposes of the recited Acts the Public Health Acts and the Municipal Corporations Acts any lands or property for the time being vested in them which are not wanted for the purpose for which such lands and property were originally acquired but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands. Provided that on every appropriation or user of lands as aforesaid the value thereof shall be credited to the fund out of which the same were purchased or paid for.

Power to appropriate lands.

**131.** The Corporation in addition to any other lands which they are by this Act authorised to acquire may from time to time by agreement purchase take on lease acquire and hold for the purposes of their water undertaking any lands not exceeding in the whole one hundred acres and for the purposes of their tramway undertaking any lands not exceeding in the whole ten acres and for street improvement purposes any lands not exceeding in the whole ten acres and for sewerage and sewage disposal purposes any lands not exceeding in the whole twenty acres.

Power to purchase additional lands by agreement.

**132.** The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange.

Consideration for such acquisition.

**133.** The Corporation may by agreement purchase any right to take any easement (not being an easement or privilege of water in which persons other than the grantors have an interest) which

Purchase of easements.



A.D. 1901. they may require for the purposes of this Act and for the purpose of every such purchase the term "lands" in the Lands Clauses Acts shall be deemed to include "easements."

Correction of errors in deposited plans and books of reference &c.

**134.** If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices (not being members of the council) for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Derby and a duplicate shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract shall be given when required under his hand to any person interested) shall be conclusive evidence of such correction.

Owners may be required to sell parts only of certain lands and buildings.

**135.—(1)** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(a) The owner of and persons interested in any of the properties whereof the whole or part is described in the Fourth Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the schedule 1 properties":



- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (in this section referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (d) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (e) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (f) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so

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severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

(g) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Power to  
retain sell  
&c. lands.

**136.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands 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.

Proceeds of  
sale of  
surplus  
lands.

**137.** So long as any lands remain to be acquired by the Corporation under the authority of this Act and the Corporation possess unexhausted borrowing powers for the purpose of the acquisition of such lands they may so far as they consider necessary



apply moneys received by them on resale or exchange or by leasing as aforesaid in the purchase of lands so remaining to be acquired but as to 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 and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board:

Provided that the amount to be applied in the purchase of land under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the acquisition of such land:

Provided further that the borrowing powers by this Act authorised for the acquisition of such land shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

**138.**—(1) The Corporation shall not under the powers by this Act granted purchase or acquire in any city borough or other urban district or elsewhere than in any borough or other urban district in any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until—

Restrictions  
on displacing  
persons of  
labouring  
class.

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

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(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out the High Court.

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire :

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act :

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of



the scheme be appropriated for the purpose of dwellings and every conveyance, demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(9) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

#### PART VIII.

##### CREMATORIUM.

**139.**—(1) The Corporation may set apart for and build provide fit up equip and maintain a crematorium proper and sufficient for the cremation of human remains on the following lands (that is to say):—

Crema-  
torium.

All that piece of land situate in the parish of Chaddesden being part of the existing cemetery ground known as the Nottingham Road Cemetery and lying therein at a point about 370 yards south of the entrance gates 133 yards east of the western boundary 137 yards west of the eastern boundary and 150 yards north of the southern boundary thereof.

(2) No cremation of human remains shall take place in any crematorium of the Corporation until the plans of such crematorium have been approved of by the Local Government Board.

(3) The Corporation shall prepare byelaws as to cremation and submit them to a Secretary of State and the Secretary of State may approve of such byelaws with or without modifications and

A.D. 1901. after having approved of such byelaws he may at any time require them to be submitted to him for revision or modification.

(4) The byelaws shall prescribe in what cases and under what conditions cremations may take place and may prescribe the forms of the notices and certificates and declarations to be given or made before a cremation is permitted to take place and such declarations shall be made under and by virtue of the Statutory Declarations Act 1835.

(5) Every person who shall contravene any such byelaws or shall wilfully carry out or procure or take part in the cremation of any human remains in such crematorium except in accordance with such byelaws shall (in addition to any liability or penalty which he may otherwise incur) be liable on summary conviction to a penalty not exceeding fifty pounds.

(6) Every person who shall wilfully make any false declaration or representation or sign or utter any false certificate with a view to procuring the cremation of any human remains in such crematorium shall (in addition to any penalty or liability which he may otherwise incur) be liable on summary conviction to a fine not exceeding fifty pounds.

(7) The Corporation may demand payment of any such charges for the use of the crematorium as may be authorised by any table approved by the Local Government Board and such charges shall be deemed to be a debt due to the Corporation from the estate of the deceased.

(8) Nothing in this section shall interfere with the jurisdiction of any coroner under the Coroners Act 1887 or any Act amending the same and nothing in this section shall authorise the Corporation to create or permit a nuisance.

(9)—(a) The Corporation shall apply all moneys from time to time received by them on revenue account in respect of the crematorium (1) in payment of working and establishment expenses and cost of maintenance (2) in payment of the interest on moneys borrowed by them for crematorium purposes and (3) for providing the requisite instalments or sinking fund payments in respect of the borrowed moneys.

(b) The Corporation shall carry to the credit of the borough fund any balance thereafter remaining in any year as may in the opinion of the Corporation not be required for carrying on their crematorium and paying the current expenses connected therewith.

(c) Any deficiency in the revenue of the crematorium of the Corporation shall be from time to time made good out of the borough fund or borough rate.



Provided that this Part of this Act shall cease to be in force so far as it may be inconsistent with the provisions of any general Act of Parliament hereafter passed regulating the cremation of human remains. A.D. 1901.

## PART IX.

## STREETS AND BUILDINGS.

**140.**—(1) Where any street in the borough for the time being repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage the Corporation may by order prescribe what shall thereafter be the line of frontage to be observed on either side of such street in case of rebuilding any building or in case of erecting any building on any vacant land on such side of such street. The line which in any case the Corporation propose so to prescribe 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 by order prescribe the line they shall give notice in writing of the deposit of the said plan to every owner interested in the property affected by the line proposed to be prescribed and to every other person interested in such property whose name and address the Corporation can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall after such line shall have been formally prescribed by order as aforesaid be made nearer to the centre of the street than such line. Provided that nothing in this section shall apply to the construction of any cornice or of oriel windows and balconies to any storey above the ground floor storey if the same are constructed in accordance with the Acts of Parliament relating to the construction thereof.

(2) If after an order prescribing a line of frontage shall have been made by the Corporation it becomes necessary that the existing line of frontage shall be set back to the line prescribed the Corporation shall thereupon make to the owner of and all other persons interested in any land or building the line of frontage of which shall have been set back and to the owner of and all other persons interested in any adjoining land or building that shall be injuriously affected thereby full compensation for all loss damage or injury (if any) that may be sustained in consequence of the line of frontage having been so set back.

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(3) The compensation payable to the owner of and all other persons interested in the land or buildings lying between the prescribed line and the street shall include such a sum as would be payable by the Corporation for such land or buildings if they had purchased the same.

(4) In any case when compensation shall have been paid as aforesaid in respect of any land lying between the prescribed line and the street such land shall for all purposes be deemed to be part of the street and the Corporation shall have the same rights and interests with respect to such land as they have with respect to the street of which it will form part.

(5) In estimating the amount of compensation to be paid by the Corporation under this section the benefits (if any) by reason of the widening or improvement of the street accruing in respect of the property of which the line of frontage shall have been so set back as aforesaid to the owner or other persons to whom such compensation shall be payable shall be fairly estimated and set off against the said compensation.

(6) If after any such line shall have been prescribed any person shall wilfully or negligently act contrary to this enactment with respect to such line he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Intersecting streets.

**141.** No new street shall be laid out more than one hundred and fifty yards in length without an intersecting street. Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Continuation of existing streets.

**142.** Every continuation of an existing street shall be deemed a new street.

Power to vary position or direction of new streets.

**143.** When any plans or sections of any new streets are submitted to the Corporation for approval the Corporation may by order vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto. The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Power to define streets.

**144.** For the purpose of prescribing the line in which any house or building shall be erected the Corporation may by order declare the limits at or within which any street is to be taken as beginning or ending.



**145.** The Corporation may (if in the circumstances of the case they think it expedient so to do) require on approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid and formed except in accordance with such condition and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

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No new street to be a cul-de-sac.

**146.** No person 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 or such part of such length as may be required by the Corporation 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 nor until such street shall have been laid out and kerbed to the like satisfaction. 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 defined laid out and kerbed.

**147.** Where any tree hedge or shrub overhangs any public street so as to obstruct or interfere with the light from any public lamp or to interfere with the free passage of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance with the notice the Corporation may themselves carry out its requisitions doing no unnecessary damage.

Trees or shrubs overhanging streets.

**148.—(1)** The Corporation may from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this Act called "a sewage sewer") and they may also declare that any other sewer or sewers for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this Act called "a surface water sewer") and after such appropriation no sewage shall be permitted to flow into a surface water sewer of the Corporation or into any drain gutter or watercourse leading thereto and no surface water shall except with the consent in writing of the Corporation be permitted to flow or pass into any sewage sewer of the Corporation. Provided however that notice in writing shall be given of such resolution to all persons whose property is connected with such sewer or sewers.

Provisions as to separate system of sewerage.

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(2) Where at the time of any such appropriation sewage from any premises shall flow or pass through any drain communicating with any surface water sewer or any surface water from any premises shall flow or pass through any drain communicating with any sewage sewer the Corporation shall at their own cost execute and do such works and things as may be necessary to cause such drain to communicate with the appropriate sewer.

(3) If after any such appropriation and the completion of any necessary works by the Corporation under the provisions of the preceding subsection any person shall construct any drain or sewer so as to cause any sewage to flow or pass into any surface water sewer or without the consent in writing of the Corporation shall construct any drain or sewer so as to cause any surface water to flow or pass into any sewage sewer the person so offending shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings and the Corporation may close any drain or sewer so constructed and may recover in a summary manner from the person offending any expense thereby incurred Provided that no penalty or expenses shall be incurred by any person in respect of communications with any sewer existing at the time of the passing of the resolution appropriating any such sewer.

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

**149.** All buildings or parts of buildings which may in future be erected on the site of any building or on 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 in pursuance of any requirement of the Corporation Any person offending against the provisions of this section shall be liable to



a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1901.

**150.** From and after the passing of this Act—

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 reconversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house ;

The conversion of a dwelling-house into any other building not intended for human habitation ;

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

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

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

What to be deemed new buildings.

**151.** In case any building is after the commencement of this Act erected or raised to a greater height than any 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 at his own expense if so required in writing (before such building is completed) by the owner of the adjoining building 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 Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Erection of buildings to greater height than adjoining buildings.

**152.** The Corporation may make byelaws with respect to the quality of any materials with which new buildings shall be constructed.

Byelaws as to building materials.

**153.—**(1) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained.

Restriction on hoardings.

(2) It shall not be lawful to erect any such hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street

A.D. 1901. 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 as the Corporation may determine.

(3) The owner or other person using any such hoarding wall or similar structure for advertising purposes whether erected before or after the commencement of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and if any papers affixed for advertising purposes to such hoarding wall or other structure fall away or become detached shall forthwith remove and clear away such papers.

(4) 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.

(5) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable in like manner as a penalty under this Act.

As to  
shoring up  
buildings.

**154.** When the justices make an order under section 75 of the Towns Improvement Clauses Act 1847 the Corporation may cause any building or wall or anything affixed thereon to be sufficiently shored up to his satisfaction in addition to causing a proper hoarding or fence to be put up for the protection of passengers and may for that purpose enter upon and erect such shoring on any forecourt or property adjoining such building wall or structure and the Corporation shall make compensation to any owner lessee or occupier of any adjoining forecourt or property utilised for the purpose of shoring up who may be injuriously affected thereby for all damage or injury done or occasioned by the entry on such property or the erection of any such shoring and such compensation and all expenses of erecting and removing such shoring shall be paid in the same manner as expenses incurred by the Corporation under section 75 of the said Act of 1847 are directed to be paid.

Power to  
make bye-  
laws as to  
rain-water  
cisterns.

**155.** The Corporation may make byelaws with respect to the construction and position of underground rain-water cisterns and the materials to be used in the construction thereof.



**156.** It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws and regulations relating to the drainage of new buildings. Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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Reconstruction of drains.

**157.** If any watercourse or ditch situate upon land in the borough laid out for building or on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner or owners of such land to substitute for such watercourse or ditch a pipe drain or culvert. Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partly belonging to any person other than the owner of the land so laid out for building. Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to require watercourses on building land to be culverted.

**158.—(1)** It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Corporation and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed. Provided that in any of the following cases a licence of the Corporation under this subsection shall become void namely:—

Regulations as to sky signs.

- (a) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;
- (b) If any change be made in the sky sign or any part thereof;
- (c) If the sky sign or any part thereof fall either through accident decay or any other cause;
- (d) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof;
- (e) If the house building or structure on over or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed:

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Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

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

Gardens  
forecourts  
&c. to be  
fenced off  
from streets.

**159.** Whenever the person erecting any building shall be desirous of leaving an opening from a footpath or street into and of placing any step or steps or other projection in any forecourt area or garden left in front of such building such forecourt area or garden shall if required in writing under the hand of the town clerk be well and sufficiently fenced off from the footpath or street by a railing parapet or dwarf wall or otherwise to the satisfaction of the Corporation :

Provided that where there are no steps or other projection in any such forecourt area or garden or the building is used as a sale shop this section shall not apply.

Any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Corporation  
may require  
old drains to  
be laid open  
for exami-  
nation by  
surveyor  
before com-  
municating  
with sewers.

**160.** Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Corporation shall be made to communicate with any sewer of the Corporation the Corporation may require the same to be laid open for examination by the surveyor and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer and the surveyor shall cause the ground to be closed and any damage done to be made good as soon as can be and the expense of such examination shall be defrayed by the Corporation.

Exemption  
for railway  
property.

**161.** Nothing contained in this Part of this Act or in any byelaws to be made thereunder shall apply to any building (not being a dwelling-house) erection excavation wall or structure or to any street upon or within any land or property belonging to any



railway company and used by such company as a part of or in connexion with their railway. A.D. 1901.

**162.** The provisions of this Part of this Act shall not be applicable to the main drainage area. This Part of Act not to apply to main drainage area.

### PART X.

#### SANITARY.

**163.**—(1) (i) When a sewer and water supply sufficient for the purpose are reasonably available the Corporation may by written notice to the owner of any building require any existing closet accommodation (other than a watercloset or a waste watercloset) provided at or in connexion with such building to be altered so as to be converted into a watercloset or waste watercloset which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building. Conversion of privy and pail closets into water-closets.

(ii) If the owner of any such building fail in any respect to comply with a notice from the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than fourteen days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Corporation in so doing.

Provided that if in any case such alterations shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the sanitary committee of the Corporation to be insufficient for the necessities of the inhabitants of the building or to be in such state as to create a nuisance or to be injurious to health then the Corporation shall bear and pay such sum towards the expenses incurred by them (not less than one half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(iii) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expense.

(iv) The notice under the provisions of this section shall state the effect of the provisions of this section.

(2) Where under the provisions of this Part of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners



A.D. 1901. the expenses which under this Part of this Act are recoverable by the Corporation from the owner 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.

(3) Where any person deems himself aggrieved by any requirements of the Corporation under this section or as to the reasonableness of any expenses wholly or partially recoverable from him under this section such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties :

Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question.

(4) Pending the decision of the court upon such appeal the Corporation shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

Inspection of  
drains &c.

**164.**—(1) On complaint made on oath by the medical officer of health or the inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to such medical officer of health or inspector of nuisances to inspect any drain closet or cesspool or any water supply sink trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for the purpose of ascertaining the course of any such work such medical officer or inspector of nuisances at all reasonable times in the daytime after not less than twenty-four hours' notice in writing has been given to the occupier of the premises to which such drain closet 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 may enter and cause the ground to be opened wherever such medical officer or inspector of nuisances think fit doing as little damage as may be.

(2) If any person obstruct or attempt to obstruct or incite any person to obstruct the medical officer of health surveyor or inspector of nuisances or assistants in the exercise of the powers conferred



by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

(3) If any such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus be found on inspection to be properly made in accordance with the Acts and byelaws in force within the borough or if within the added areas to be properly made in accordance with the byelaws in force within the district of the rural district council or the urban district council as the case may be 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.

(4) If any such drain closet or cesspool water supply sink trap syphon pipe or other work or apparatus be found on inspection as aforesaid not to have been properly made as aforesaid or to be in bad order and condition and 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.

(5) 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 and the Corporation if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the work and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

(6) For the purposes of this section the word "drain" includes any sewer which is not vested in the Corporation.

**165.** 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 to 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 sufficient urinal or urinals Any such owner 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 :

Urinals to be attached to inns &c.



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Provided that a refreshment room belonging to a railway company shall not be deemed to be an inn public-house beer-house eating-house or other place of public entertainment within the meaning of this section.

Examination  
of new  
drainage  
works to  
existing  
houses and  
buildings.

**166.** Where any notice under the Public Health Acts and any Acts amending the same and the recited Acts has been served by the Corporation upon an owner or occupier to abate a nuisance or to alter repair or add to any work or sanitary appliance and the opening up uncovering or exposing of a drain pipe or other appliance has been necessary it shall not be lawful for any such owner occupier or person acting therefor to cover up or conceal from view any such new altered repaired or added drain pipe or other appliance until it has been inspected or tested by the inspector of nuisances or other duly authorised person who shall inspect or test the same one clear day (exclusive of Sundays) after the receipt of a notice from such owner or occupier or person requesting an inspection or testing as aforesaid and where it is found that any drain pipe or other appliance has been so covered up or concealed the same shall be uncovered and exposed so as to admit of the necessary inspection or testing and any person offending against the provisions of this section shall for each offence be liable to a penalty of five pounds and to a penalty of five shillings per day during the continuance of such offence or default after notice thereof from the inspector of nuisances or other authorised person.

All such new drainage work shall be constructed where practicable only in accordance with the byelaws which regulate drainage work in respect to new buildings.

Public con-  
veniences  
and  
lavatories.

**167.** The powers of the Corporation under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain sanitary conveniences and lavatories for the use of the public in or under any street repairable by the Corporation and in or under any land ground or place belonging to the Corporation or over which they have any rights or control and to employ and pay attendants and to make reasonable charges for the use of any sanitary convenience (other than an urinal) or of any lavatory so provided and the Corporation may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons resorting to the same and may let any such sanitary conveniences and lavatories for such periods and upon and subject to such terms and conditions as they may think fit.



**168.** Any person being a manufacturer of or merchant or dealer in ice creams or other similar commodity who within the borough—

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For regu-  
lating manu-  
facture and  
sale of ice  
creams &c.

(a) causes or permits ice creams or any similar commodity to be manufactured sold or stored in any cellar or room in which there is an inlet or opening to a drain ; or

(b) in the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination ; or

(c) omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer of health ;

shall be liable for every such offence on summary conviction to a penalty not exceeding forty shillings.

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

Prevention  
of blowing  
of carcasses.

**170.**—(1) The keeper of every common lodging house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the offices of the Corporation shall with the approval of the Corporation in writing under the hand of the town clerk (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be. If any person offends against this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Regulation  
of common  
lodging  
houses.

(2)—(i) Every common lodging house shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences having regard to the number of lodgers who may be received therein and also with proper separate accommodation for persons of each sex.

(ii) Where it appears to the Corporation on the report of the medical officer of health or surveyor that the provisions of this

A.D. 1901. subsection are not complied with in the case of any common lodging house the Corporation may if they think fit by written notice require the keeper thereof to make such alterations and additions therein as may be required to give such sufficient suitable and proper accommodation as aforesaid.

(iii) Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) Application for the renewal of the registration of every common lodging house shall be made to the Corporation at or previous to the first day of January in every year and the Corporation notwithstanding the provisions of section 78 of the Public Health Act 1875 may refuse to register any house which they do not consider suitable for the purposes of a common lodging house and any person as the keeper of a common lodging house who does not produce to the Corporation a certificate of character in such form as the Corporation shall direct but notwithstanding such certificate of character the Corporation may if they see fit make further inquiry and may thereafter refuse to register if they are satisfied that the person applying is not qualified to be the keeper of a common lodging house. Any person aggrieved by such refusal may appeal to a petty sessional court held for the borough after the expiration of two clear days from such refusal provided he give twenty-four hours' notice of such appeal and the ground thereof to the town clerk and the court shall have power to make such order as they may think fit and award costs such costs to be recoverable in like manner as a penalty under this Act.

(4) Every person who without being registered in accordance with section 77 of the Public Health Act 1875 shall keep a common lodging house within the borough shall be liable to the penalties imposed by section 86 of the said Act for the offences named therein.

(5) Notice of the provisions of this section shall forthwith after the passing of this Act be served upon the keeper of every common lodging house either personally or by leaving the same at the common lodging house.

Prevention  
of infectious  
diseases.

**171.**—(1) It shall not be lawful to hold any wake over the body of any person who has died of any infectious disease and the occupier of any house or premises or part of a house or premises who permits or suffers any such wake to take place in such house or premises or part of a house or premises and every person who attends to take part in such wake shall be liable to a penalty not exceeding forty shillings.



(2) No person shall return to any lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice that it has been exposed to infection to the medical officer of health or to the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

(3) If in the opinion of the medical officer of health any articles of bed or body clothing belonging to any person be in a filthy dangerous or unwholesome condition the Corporation may order such articles of bed or body clothing to be cleansed or disinfected by the owner thereof or the Corporation may undertake the cleansing or disinfecting of such articles of bed or body clothing at their own expense and shall pay compensation to the owner thereof for any such article of clothing damaged or destroyed during the process of cleansing or disinfecting the same.

**172.** Public notice of the provisions of the sections of this Act whereof the marginal notes severally are as follows that is to say "For regulating manufacture and sale of ice creams &c." "Prevention of blowing of carcasses" and "Prevention of infectious diseases" shall be given forthwith after the passing of this Act by advertisement in two local newspapers circulating in the borough and by a notice affixed outside the offices of the Corporation and by handbills or such further means as the Corporation deem reasonable for conveying notice of the provisions of the said sections to persons affected or likely to be affected thereby. A copy of a newspaper or the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

Public notice to be given of provisions of certain sections.

**173.** The provisions of this Part of this Act shall not be applicable to the main drainage area.

This Part of Act not to apply to main drainage area.

## PART XI.

### FINANCIAL.

**174.** The Corporation may from time to time independently of any other statutory borrowing power borrow at interest on the security of the revenues of the Corporation for the purposes hereinafter mentioned the sums of money following (that is to say):—

Power to borrow.

(a) For tramway purposes (including generating station) any sum not exceeding two hundred and thirty-four thousand five hundred and thirty-one pounds and with the approval of

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- the Board of Trade such further sums as may be necessary for the purposes of or otherwise in relation to the Corporation tramways;
- (b) For waterworks purposes any sum not exceeding fifty thousand nine hundred and sixty-two pounds;
  - (c) For sewerage and sewage disposal purposes any sum not exceeding two hundred and ninety thousand pounds;
  - (d) For street improvement purposes (including the acquisition of land) any sum not exceeding twenty-four thousand five hundred and seventy pounds;
  - (e) For crematorium any sum not exceeding two thousand five hundred pounds;
  - (f) For the conversion of the existing closet accommodation in the borough into closet accommodation on the water carriage system such sums as may be sanctioned by the Local Government Board;
  - (g) For technical college purposes any sum not exceeding six thousand pounds;
  - (h) For the payment of any compensation payable by way of a sum in gross to any authorities or officers under this Act the sums required for that purpose;
  - (i) For paying the costs charges and expenses of this Act as herein-after provided and the opposition costs as herein-after defined and provided for the sum requisite for that purpose;
  - (k) For the payment of the mortgage debts referred to in the sections of this Act whereof the marginal notes are "As to property and liabilities of affected authorities" and "Provisions as to main drainage area" the sums requisite for those purposes;
  - (l) For the payment of the cost of the branch sewers in the main drainage area such sums as may be sanctioned by the Local Government Board;
  - (m) For any of the aforesaid purposes such additional sums and for any other purposes of this Act such sums as may be sanctioned by the Local Government Board.

Periods of  
repayment.

**175.** The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say) :—

As to moneys borrowed for the purposes (b) and (d) mentioned in the section of this Act whereof the marginal note is "Power to borrow" within fifty years from the date or dates of the borrowing of the same;



As to moneys borrowed for the purposes (a) (c) and (e) in the said section mentioned within forty years from the date or dates of the borrowing of the same and as to the further sums for the purposes (a) in the said section mentioned within such periods as the Board of Trade may prescribe;

As to moneys borrowed for the purpose (f) in the said section mentioned within such period as the Local Government Board may prescribe;

As to moneys borrowed for the purposes (g) in the said section mentioned within thirty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (h) in the said section mentioned within twenty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (i) in the said section mentioned within five years from the borrowing of the same;

As to moneys borrowed for the purposes (k) in the said section mentioned within the period originally prescribed for the repayment thereof;

As to moneys borrowed for the purposes (l) and (m) in the said section mentioned within such periods as the Local Government Board may prescribe.

**176.** The yearly sums for the repayment of the principal and the payment of the interest on the various sums borrowed under the provisions of this Act shall be provided by the Corporation in the manner following (that is to say):—

Funds or rates out of which interest and repayment of borrowed moneys is to be provided.

(1) As to moneys borrowed for the purposes (a) mentioned in the section of this Act whereof the marginal note is "Power to borrow" out of the tramways revenue;

(2) As to moneys borrowed for the purposes (b) mentioned in the said section out of the waterworks revenue;

(3) As to moneys borrowed for the purposes (c) (d) and (f) in the said section mentioned out of the district fund and general district rate;

(4) As to moneys borrowed for the purposes (e) (g) (h) and (i) in the said section mentioned out of the borough fund and borough rate;

(5) As to moneys borrowed for the purposes (k) in the said section mentioned out of the district fund and general district rate;

(6) As to moneys borrowed for the purposes (l) in the said section mentioned out of the district fund and general district rate;

(7) As to moneys borrowed for the purpose (m) in the said section mentioned out of the borough fund and borough rate.

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or the district fund and general district rate as the Corporation having regard to the nature of the expenditure may determine:

Provided that all expenses incurred by the Corporation in carrying into execution the powers of this Act not otherwise provided for out of revenue for the several purposes (b) (c) (d) and (f) mentioned in the section of this Act the marginal note whereof is "Power to borrow" shall be paid out of the district fund and general district rate.

Applying certain provisions of Act of 1899.

177. The following sections of the Derby Corporation Tramways &c. Act 1899 viz. :—

Section 34 Inquiries and expenses of the Local Government Board;

Section 35 Certain regulations of the Public Health Act as to borrowing not to apply;

Section 36 Protection of lender from inquiry;

Section 37 Appointment of receiver;

Section 38 Application of money borrowed;

Section 56 Expenses of the execution of this Act;

Section 57 Application of revenue;

Section 64 Audit of accounts;

shall extend except as expressly varied by this Part of this Act and apply mutatis mutandis to and in relation to the Corporation in the exercise of their powers under this Act.

Repealing sections of other Acts.

178. The following sections of the recited Acts are hereby repealed viz. :—

Section 162 of the Derby Improvement Act 1879;

Section 36 of the Derby Corporation Act 1890;

Article 8 of the Derby Order 1896; and

So much of section 131 of the Derwent Valley Water Act 1899 as relates to the annual return to the Local Government Board.

Power to include lands &c. in mortgages.

179. Where the Corporation have power under this Act or any other Act passed or to be passed to mortgage or charge as security for the repayment of money borrowed by the Corporation any of their rates or revenues they may if they think fit include in such mortgage or charge the lands estates undertakings and other property of the Corporation from which such revenue is derived and all or any other property of the Corporation and the same shall be charged accordingly with the repayment of the borrowed money and the interest thereon.

## PART XII.

### RATES AND RATING.

General district and other rates

180.—(1) The Corporation may if they think fit in lieu of themselves making assessing and levying any general district rate



including any waterworks rate as defined by the Derby Improvement Act 1879 and other rates leviable by them within the borough or any part thereof order such rates to be made assessed and levied in the same manner as a borough rate and may enforce the payment thereof from the overseers in the same manner as in the case of the borough rate and if any such order be made by the Corporation such rates shall be made assessed and levied by the overseers in the same manner and under the same provisions (including the provisions as to rating of owners instead of occupiers compositions and appeals) as in the case of the poor rate but subject to the exemptions (partial or otherwise) for the time being applicable to such general district rate and other rates respectively in respect of any property in the borough and such rates or any of them may be assessed and levied either separately or together with the poor rate assessed and levied in respect of the hereditaments rateable to such rates respectively.

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 may be  
 assessed as  
 borough  
 rates.

(2) In the event of the Corporation making any order as in the preceding subsection mentioned the overseers shall recover and enforce the poor rate in the same manner as the general district rate is recoverable and enforceable under the Public Health Act 1875 and the provisions of section 2 of the Distress for Rates Act 1849 with respect to the recovery and enforcement of the poor rate shall cease to apply.

**181.** The accounts of the overseers and collectors of poor and other rates relating to the rates to be levied and collected by them or any of them shall be submitted to and be audited by the district auditor in the manner provided by section 37 of the Divided Parishes and Poor Law Amendment Act 1876 and such rates shall be deemed to be rates within the meaning of that section.

Audit of  
 accounts.

The overseers shall prepare and submit to the district auditor at every audit of their accounts a financial statement in duplicate in the form and containing the particulars from time to time prescribed by the Local Government Board in respect of the rates to be levied by them as aforesaid. One of such duplicates shall have the stamp duty chargeable according to the scale contained in the District Auditors Act 1879 affixed thereon and calculated according to the total of the sums paid to the Corporation during the period to which the statement relates and the provisions of the District Auditors Act 1879 as to the duties of the auditor with reference to such duplicates shall apply as if the said duplicates were prepared and submitted under that Act.

The Corporation shall repay to the said overseers the amount of any stamp duty which may be paid by them upon any financial statement pursuant to the provisions of this Act.

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The provisions of sections 5 and 6 of the District Auditors Act 1879 shall apply to the accounts of the overseers and collectors and to the stamp duty on such financial statements as aforesaid and any overseer who shall fail to comply with the provisions of this Act with respect to a financial statement shall be liable to the penalty provided in section 7 of the last-mentioned Act.

Appointment of overseers by Corporation.

**182.** Notwithstanding anything to the contrary in any Act contained the Corporation may appoint such number of overseers for the parish of Derby as they think fit.

Collection of local rates.

**183.**—(1) The Corporation may appoint and remove such clerks collectors and other officers as they may deem necessary to assist in the discharge of the duties of the overseers and the salaries and expenses of such clerks collectors and other officers shall be paid out of the various local rates and revenues in such proportions as the Corporation shall determine.

(2) All clerks collectors and officers so appointed shall give such security for the due performance of their duties as may be required by the Corporation or the overseers and the district auditor appointed by the Local Government Board shall report thereon annually to the Corporation. The securities shall be deposited with the town clerk and not with the board of guardians.

Owner may be rated instead of occupier in certain cases.

**184.** The owner instead of the occupier may from time to time at the option of the Corporation be rated to all rates leviable within the borough :—

- (1) Where the rateable value of the property does not exceed ten pounds ;
- (2) Where the premises are let in separate apartments ;
- (3) Where the rents are collected weekly :

Provided that where the rateable value of the property does not exceed ten pounds the owner so rated shall be entitled to a deduction of one-eighth from the amount of the rates when paid by him if he shall pay the same within one month after the rate shall have been demanded.

Increase of library rate.

**185.** For the better and more effectual carrying into execution the powers and duties of the Corporation under the Public Libraries Acts 1892 and 1893 these Acts shall be read and have effect as if the limit thereby imposed on the amount authorised to be levied by or added to a rate were extended so as not to exceed the sum of twopence in the pound.

Increase of rate under Technical Instruction Acts.

**186.** For the better and more effectual carrying into execution the powers and duties of the Corporation under the Technical Instruction Acts 1889 and 1892 these Acts shall be read and have



effect as if the limit thereby imposed on the amount authorised to be raised by rate were extended so as not to exceed the sum of twopence in the pound. Provided nevertheless the Corporation shall not levy any rate under the said Acts beyond the maximum rate fixed by the said Act of 1889 except to provide for the interest and repayment of money borrowed for providing and equipping the Municipal Technical College. A.D. 1901.

## PART XIII.

## FIRE BRIGADE SUPERANNUATION.

187. The following provisions of the Police Act 1890 as amended by the Police Act 1893 namely those contained in—

Application  
of provisions  
of Police  
Acts 1890  
and 1893 to  
fire brigade.

- Sections 1 and 2;
- Subsections 1 2 3 4 6 and 7 of section 3 the year 1902 being substituted for the year 1891 in the said subsection 3;
- Subsections 1 2 3 and 5 of section 4;
- Sections 5 to 14 both inclusive;
- Subsection 1 of section 15;
- Section 16 except paragraphs (b) (c) (h) and (k);
- Section 18;
- Sections 20 and 21;
- Subsection 3 of section 33 and the First Schedule;

And also sections 3 4 and 6 of the Police Act 1893 shall apply to the permanent fire brigade of the borough with the following modifications:—

- (1) A member of the permanent fire brigade shall be substituted for a constable:
- (2) Service in the permanent fire brigade shall be substituted for service in the police:
- (3) The permanent fire brigade shall be substituted for the police force:
- (4) The chief officer for the time being of the fire brigade shall be substituted for the chief officer of the police:
- (5) The permanent fire brigade pension fund shall be substituted for the pension fund:
- (6) The fund and rate out of which the expenses of the permanent fire brigade are paid shall be substituted for the police fund and the rate levied for the police fund:
- (7) The deductions from the pay of a member of the permanent fire brigade made under section 15 of the Police Act 1890 shall be at the rate of two and a half per centum per annum on his pay:

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(8) Subject as herein-after mentioned the approved service of a member of the permanent fire brigade for any period before as well as after the passing of this Act and his approved service in the police force of the borough for any period either before or after the passing of this Act shall be reckoned as approved service in the permanent fire brigade. Provided that service in the permanent fire brigade before the commencement of this Act shall for the purposes of pension be reckoned only at one half of the actual number of years completed. Provided also that under no circumstances shall any such member be entitled to more than one pension from any police superannuation fund or the permanent fire brigade pension fund in respect of his approved service:

(9) The term "police authority" shall mean the Corporation.

How deficiency in fund to be supplied.

**188.** If at any time the balance in hand on account of the fire brigade pension fund is insufficient to pay the expenses of managing the fund and the pensions allowances gratuities and other sums payable thereout the deficiency shall be supplied out of the fund and rate out of which the expenses of the permanent fire brigade are to be paid.

Repeal of section 166 of Derby Improvement Act 1879.

**189.** Section 166 of the Derby Improvement Act 1879 is hereby repealed so far as the same relates to firemen.

#### PART XIV.

##### REPEAL OF SECTIONS 43 TO 46 BOTH INCLUSIVE OF DERBY CORPORATION ACT 1877.

Repeal of sections 43 to 46 both inclusive of Act of 1877 and consequential provisions.

**190.** This Part of this Act shall come into operation on the first day of October one thousand nine hundred and one and from and after that day the following provisions shall have effect subject as in this section provided (that is to say):—

Sections 43 44 45 and 46 (Formation of separate districts etc.) of the Act of 1877 and all other provisions of any Act or Order inconsistent with the provisions of this Part of this Act are hereby repealed:

All powers of rating the six districts referred to in section 43 of the Act of 1877 (in this Part of this Act referred to as "the six districts") separately and apart from the general rating of the borough shall cease:

All separate rates arrears of rates property moneys and effects of the six districts respectively shall vest in the Corporation as the



urban sanitary authority for the borough and be carried to the credit of the district fund :

All moneys which the Corporation are still authorised to borrow or re-borrow on the security of the separate rates property moneys and effects of the six districts respectively may be borrowed or re-borrowed by the Corporation and all mortgages and other securities charged on the separate rates property moneys and effects of the six districts respectively and then subsisting shall become valid and effectual charges against the Corporation and shall be charged indifferently upon the revenues of the Corporation as provided by section 39 of the Act of 1899 :

Provided that the general district rate to be assessed and levied in that part of the borough hitherto known as the Litchurch District as defined by section 43 of the Act of 1877 shall during a period of five years from the first day of October one thousand nine hundred and one be twenty per centum less and thereafter during a further period of five years be ten per centum less than the general district rate to be assessed and levied during the same periods in the remainder of the existing borough.

**191.** Any action suit prosecution complaint or other proceedings whatsoever commenced before the commencement of this Part of this Act shall not abate or be discontinued or prejudicially affected by this Part of this Act but may be maintained prosecuted or continued in like manner and to all intents and purposes as if this Act had not been passed.

Actions &c.  
not to abate.

**192.** All separate rates due for the six districts but not paid before the commencement of this Part of this Act shall from and after the commencement of this Part of this Act be payable to and may be collected or recovered by the Corporation.

Recovery of  
rates.

## PART XV.

### MISCELLANEOUS.

**193.** The area of supply under the Derby Corporation Electric Lighting Order 1890 is hereby extended so as to include the added areas and the provisions of the said Order shall extend and apply to such added areas as though the same had formed part of the borough at the time of the passing of the before-mentioned Order.

Extending  
area of  
supply for  
electric  
lighting  
purposes.

**194.** If the local authority for any district adjoining the area in which the Corporation are for the time being authorised to supply electrical energy are authorised by Act or Provisional Order confirmed by Parliament to supply energy or if any company are

Supply of  
electrical  
energy out-  
side  
borough.



A.D. 1901. — or any person is authorised to supply energy in any such district the Corporation and any such local authority company or person may with the approval of the Board of Trade enter into and carry into effect agreements for the supply of electrical energy in bulk by the Corporation to such local authority company or person Provided that any such supply and any works executed for the purpose thereof shall be subject to all provisions for the protection of the telegraphic lines of the Postmaster-General and his rights in respect thereof which are contained in the Derby Corporation Electric Lighting Order 1890.

General provisions as to byelaws.

**195.** All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to all byelaws made by the Corporation under the powers of this Act except the byelaws made under the section of this Act whereof the marginal note is "Crematorium" Provided that the confirming authority for byelaws made under the said section shall be His Majesty's Principal Secretary of State for the Home Department.

Authentification and service of notices &c.

**196.** In the case of any notice or demand under this Act requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section two hundred and sixty-seven of that Act authorised to be served Provided always that in case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Purchase of swimming Turkish and other baths.

**197.** The Corporation may purchase provide regulate and manage swimming Turkish and other baths and they may demand and take such reasonable charges for the use thereof as they may think fit.

Exemption of Government property.

**198.** Without prejudice to any existing right of His Majesty there shall be exempted from the provisions of this Act every building structure or work vested in or in the occupation of His Majesty 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 His Majesty's Government for public purposes or for the public service.



**199.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them by the Public Health Acts or any of them and the Municipal Corporations Acts and the Corporation may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty) for the commission of the same offence.

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Powers of  
Act cumu-  
lative.

**200.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid by an officer of the Corporation authorised in that behalf or by the town clerk.

Informations  
by whom to  
be laid.

**201.** Whenever the Corporation under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Corporation or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier.

Recovery  
from owner  
or occupier.

**202.** The Corporation may appoint more than one inspector of nuisances and section 189 of the Public Health Act 1875 shall for the purposes of the execution of that Act within the borough be construed accordingly.

Corporation  
may appoint  
more than  
one sanitary  
inspector.

**203.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Compensa-  
tion how to  
be deter-  
mined.

**204.** Any person deeming himself aggrieved by an order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

As to appeal.

**205.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and

Recovery of  
penalties.



A.D. 1901. expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid over to treasurer.

**206.** All penalties recovered under this Act or under any byelaw thereunder on the prosecution of the Corporation shall be paid to the treasurer and be by him carried to the credit of the district fund.

Damages and charges to be settled by justices.

**207.** Where any damages expenses costs 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 a court of summary jurisdiction before whom any offender is convicted.

Judges not disqualified.

**208.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to the general district rate.

As to payment of costs of Normanton and Osmaston Parish Councils and the Urban District Council.

**209.** The Corporation shall pay within six months from the passing of this Act to Messieurs Eddowes & Sons of No. 2 the Strand Derby the solicitors acting for and on behalf of the parish councils of Normanton and Osmaston (whose receipt on behalf of the parish councils respectively shall be a full and sufficient discharge therefor to the Corporation) the costs charges and expenses incurred by and on behalf of the said parish councils in relation to the opposition of the said parish councils to the Bill for this Act as taxed by the taxing officer of the House of Lords or House of Commons and shall pay to the urban district council or at their request under their common seal to their solicitor (whose receipt on behalf of the urban district council shall be a full and sufficient discharge therefor to the Corporation) the costs charges and expenses incurred by or on behalf of the urban district council of and incidental to obtaining authority to oppose and opposing and negotiating and appearing on the Bill for this Act as taxed by the taxing officer of the House of Lords or House of Commons which said costs are in this Act together referred to as "the opposition costs."

Costs of Act.

**210.** The costs charges and expenses preliminary to and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or House of Commons and the opposition costs shall be paid by the Corporation out of moneys borrowed under the authority of this Act.



## SCHEDULES referred to in the foregoing Act.

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## THE FIRST SCHEDULE.

## LOCAL ACTS.

Session and Chapter.	Title or Short Title.
6 Geo. IV. cxxxii.	An Act for better paving and otherwise improving the borough of Derby.
11 & 12 Vict. xxxvi.	The Derby Waterworks Act 1848.
31 & 32 Vict. cxliii.	The Derby Waterworks Act 1868.
36 Vict. xx.	The Derby Waterworks Act 1873.
40 & 41 Vict. cxviii.	The Derby Corporation Act 1877.
42 & 43 Vict. ccxv.	The Derby Improvement Act 1879.
45 & 46 Vict. ccxlv.	The Derby Corporation Act 1882.
53 & 54 Vict. liv.	The Derby Corporation Act 1890.
62 & 63 Vict. cxcii.	The Derby Corporation Tramways &c. Act 1899.
62 & 63 Vict. cclxix.	The Derwent Valley Water Act 1899.

## ACTS CONFIRMING PROVISIONAL ORDERS.

Session and Chapter.	Short Title.	Order relating to Derby confirmed thereby.
13 & 14 Vict. xxxii.	The Public Health Supplemental Act 1850.	The Derby Order 1850.
22 & 23 Vict. xi.	The Local Government Supplemental Act 1859 (No. 2).	The Derby Order 1859.
28 Vict. xxv.	The Local Government Supplemental Act 1865 (No. 2).	The Derby Order 1865.
29 & 30 Vict. cvi.	The Local Government Supplemental Act 1866 (No. 3).	The Derby Order 1866.
30 & 31 Vict. lxxv.	The Local Government Supplemental Act 1867 (No. 2).	The Derby Order 1867.
34 Vict. i.	The Local Government Supplemental Act 1871.	The Derby Order 1870.
38 & 39 Vict. clxxvi.	The Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1875.	The Derby Order 1875.
42 & 43 Vict. lxxviii.	The Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879.	The Derby Order 1879.
42 & 43 Vict. cxcii.	The Tramways Orders Confirmation Act 1879.	The Derby Tramways Order 1879.
44 Vict. xv.	The Local Government Board's Provisional Orders Confirmation (Bath &c.) Act 1881.	The Derby Order 1881.

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Session and Chapter.	Short Title.	Order relating to Derby confirmed thereby.
53 & 54 Vict. exc. -	The Electric Lighting Orders Confirmation (No. 5) Act 1890.	The Derby Corporation Electric Lighting Order 1890.
54 & 55 Vict. lxvi. -	The Local Government Board's Provisional Orders Confirmation (No. 2) Act 1901.	The Derby Order 1891.
58 & 59 Vict. lxxxvii.	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1895.	The Derby Order 1895.
59 & 60 Vict. cviii. -	The Local Government Board's Provisional Orders Confirmation (No. 14) Act 1896.	The Derby Order 1896.

## THE SECOND SCHEDULE.

### DESCRIPTION OF THE ADDED AREAS.

(a) So much of the parish of Normanton as is bounded by a line commencing at a point situate in Enclosure No. 4 on the western boundary of such parish and on the boundary of the parish of Littleover about 60 yards north-west of the westernmost corner of Enclosure No. 8 and passing thence in a straight line and south-easterly direction across the southern part of the said Enclosure No. 4 to the said westernmost corner of Enclosure No. 8 aforesaid thence in a south-easterly direction along the south-western boundary of Enclosure No. 8 thence in an easterly direction along the southern boundary of such last-mentioned enclosure thence in south-easterly and southerly directions respectively along the south-western boundary of Enclosure No. 9 and Enclosure No. 17 thence in an easterly direction along the southern boundary of the said Enclosure No. 17 thence in a south-easterly direction along the south-western boundary of Enclosure No. 16 to and across the Occupation Lane No. 33 leading from Stenson Lane to Allotment Gardens thence in an easterly direction along the southern boundary of such last-mentioned Occupation Lane to the north-west corner of Enclosure No. 34 thence in a southerly direction along the western boundary of such last-mentioned enclosure to the south-east corner of Enclosure No. 32 (which enclosure lies outside the added area) thence in an easterly direction and in one continuous straight line across the southern part of Enclosure No. 34 aforesaid across Stenson Lane aforesaid across Allotment Gardens No. 40 and across Enclosures Nos. 36 and 108 respectively to the division line between the two cottages called Holly Cottages thence in an easterly direction along such division line between such last-mentioned cottages and front gardens belonging thereto to the western boundary of Derby Lane thence in a north-easterly direction



across such lane to a point in the eastern boundary thereof about 45 yards south of the southern boundary of the old lane No. 116 leading from Derby Lane aforesaid to Randolph Road thence in an easterly direction across the northern parts of Enclosures Nos. 118 122 123 and 124 respectively to a point in the eastern boundary of Enclosure No. 124 aforesaid 25 yards south of the southern boundary of Randolph Road thence in a southerly direction along the eastern boundary of Enclosure No. 124 aforesaid to the south-east corner thereof thence in a southerly direction for about 6 yards along the continuation of the last-mentioned boundary thence in an easterly direction along fence for about 11 yards thence along the western or back boundary of gardens belonging to six semi-detached villas facing Village Street for about 16 yards thence in a south-eastern direction along the south-western boundary of premises belonging to the southernmost of the aforesaid semi-detached villas to Village Street aforesaid thence in a south-easterly direction across the said Village Street and along the south-western boundary of Newdigate Street to its junction with the western boundary of Sinfine Lane thence in a southerly direction along the western boundary of Sinfine Lane aforesaid to the north-western boundary of the Birmingham and Derby Line of the Midland Railway thence in a north-easterly direction across Sinfine Lane aforesaid and along the north-westerly boundary of the said railway to the south-western boundary of Cotton Lane at the easternmost corner of Enclosure No. 142 thence in a south-easterly direction along the south-western boundary of Cotton Lane over the bridge carrying such lane over the said railway to the western boundary of Enclosure No. 149 thence in a southerly direction along such last-mentioned boundary to a point 50 yards south of the centre line of Cotton Lane aforesaid thence in an easterly direction along a line 50 yards south of and parallel to the centre line of Cotton Lane aforesaid across the northern parts of Enclosures Nos. 149 and 148 respectively to a point on the boundary between the said parish of Normanton and the parish of Osmaston 50 yards south of the centre line of Osmaston Park Road and passing thence in a northerly direction along the said boundary between the said parishes of Normanton and Osmaston to the junction of such said parishes with the existing borough in Cotton Lane aforesaid thence in a generally north-westerly direction along the boundary between the existing borough and the said parish of Normanton to their junction with the parish of Littleover thence in south-western and south-eastern directions respectively along the boundary between the said parishes of Normanton and Littleover to the point of commencement of the said line.

(b) So much of the parish of Osmaston as is bounded by a line commencing at a point on the western boundary thereof and on the boundary of the parish of Normanton 50 yards south of the centre line of Osmaston Park Road and passing thence in a south-easterly direction along a line of 50 yards south of and parallel to the centre line of Osmaston Park Road across Enclosure No. 99 and across the north-eastern parts of Enclosures Nos. 97 96 103 104 105 106 116 and 132 respectively to the westernmost corner of Enclosure No. 114 thence in a south-eastern direction along the south-western boundary of such last-mentioned enclosure to a point on the same and on the boundary between



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the said parish of Osmaston and the parish of Alvaston and Boulton thence in a direction generally north-easterly along the said boundary between the said parish of Osmaston and the said parish of Alvaston and Boulton to their junction with the parish of Chaddesden on the centre line of the River Derwent thence in a direction generally north-westerly along the boundary between the said parish of Osmaston and the parish of Chaddesden to their junction with the existing borough on the centre line of the River Derwent and passing thence in a south-western direction along the boundary between the said existing borough and the said parish of Osmaston and along the boundary between the said parish of Osmaston and the said parish of Normanton to the point of commencement of the said line.

(c) So much of the parish and urban district of Alvaston and Boulton as is bounded by a line commencing at a point on the western boundary thereof near the north-east corner of the Swiss Cottage being No. 38 in the parish of Osmaston and passing thence in an easterly direction along the southern boundary of Approach Road No. 44 and Parson's Bridge across the Derby Canal and in a north-westerly direction along the eastern side of such canal to the northern boundary of Enclosure No. 45 thence in an easterly direction along the northern boundary of such last-mentioned enclosure and along part of the northern boundary of Allotment Gardens No. 93 the northern boundaries of Enclosures Nos. 136 100 and part of No. 101 respectively all of such enclosures being outside the added area to the south-west corner of Enclosure No. 102 thence in a northerly direction along the western boundaries of such last-mentioned enclosure and part of Enclosure No. 89 both being also outside the added area and in a continuation line along the fence at the back of houses and premises on the eastern side of Hall Street to London Road thence in an easterly direction along the southern boundary of the said London Road to a point opposite the western boundary of Alvaston Street thence in a northerly direction across London Road aforesaid and along the western boundary of Alvaston Street aforesaid to its junction with Party Nook Lane thence in a northerly direction across such lane and along the eastern boundary thereof to the Brook course forming the southern boundary of Enclosure No. 26 thence in an easterly direction along such last-mentioned boundary and the southern boundaries of Enclosures Nos. 61 and 25 respectively thence in a south-easterly direction along the south-western boundaries of Enclosures Nos. 68 173 and 172 respectively to the southernmost corner of the said Enclosure No. 172 thence in a north-easterly direction along the south-eastern boundaries of such last-mentioned enclosure and of the said Enclosure No. 173 to a point on the boundary between the said parish and urban district of Alvaston and Boulton and the parish of Spondon on the centre of the River Derwent opposite the north-eastern corner of the said Enclosure No. 173 thence in a direction generally north-westerly along the boundary between the said parish and urban district of Alvaston and Boulton and the parishes of Spondon and Chaddesden (which boundary is for the greater part along the centre line of the said River Derwent) to a point at the junction of the parish of Osmaston with the said parish and urban district of Alvaston and Boulton and the parish of Chaddesden and passing thence



in a south-westerly direction along the boundary between the said parish and urban district of Alvaston and Boulton and the said parish of Osmaston to the point of commencement of the said line.

(d) So much of the parish of Chaddesden as is bounded by a line commencing at a point in the centre of the River Derwent opposite the north-east end of Enclosure No. 371 and passing thence along the boundary between the said parish of Chaddesden and the parish of Osmaston aforesaid to a point in the centre of the said River Derwent opposite the south-east corner of Enclosure No. 372 and thence in a north-westerly direction along the centre line of the said River Derwent to the point of commencement of the said line.

(e) So much of the parish of Chaddesden as is bounded by a line commencing at a point in the boundary of the existing borough at the south-east corner of Enclosure No. 215 in the said borough and passing thence in a north-easterly direction across Enclosure No. 171 and across Occupation Lane No. 170 to the west corner of Enclosure No. 187 thence in a south-easterly direction along the south-western boundaries of Enclosures Nos. 187 283 and 285 respectively all of which enclosures are outside the added area to the main road from Derby to Nottingham thence in easterly and south-easterly directions respectively along the north and north-east boundary of the said main road to a point opposite the south-east boundary of No. 183 thence in a south-westerly direction across the Nottingham road along the south-east boundary of Enclosure No. 183 (being the Nottingham Road Cemetery belonging to the Corporation of Derby) and across the Derby Canal to a point opposite the said last-mentioned boundary thence in a north-westerly direction along the south-west boundary of No. 179 being the towing-path of such canal to a point thereon and on the boundary of the existing borough at the north end of No. 182 which said enclosure is outside the added area and thence in north-westerly and north-easterly directions respectively along the boundary of the existing borough to the point of commencement of the said line.

(f) So much of the parish of Spondon as is bounded by a line commencing at a point on the southern boundary of the Midland Railway from Derby to Nottingham about 53 yards east of the north-west corner of Enclosure No. 399 and passing thence in a southerly direction across such enclosure along the western boundary thereof across Megaloughton Lane and along part of the western boundary of No. 406 thence in two straight lines and in a south-westerly direction across the centres of Enclosures Nos. 406 and 420 respectively to the north-east corner of Enclosure No. 418 which said enclosure is outside the added area thence in a southerly direction along the eastern boundary thereof to the centre of the River Derwent thence in a direction generally south-easterly along the boundary between the said parish of Spondon and the parish of Alvaston and Boulton (which boundary is for the greater part on the centre line of the River Derwent) to a point in the said river opposite the south end of the eastern boundary of Enclosure No. 640 thence in a north-easterly direction along the eastern boundary of such enclosure to the southern boundary of the Midland Railway from Derby to

A.D. 1901. Nottingham aforesaid and thence in a westerly direction along the southern boundary of the said railway to the point of commencement of the said line of boundary.

NOTE.—The numbers mentioned in the above schedule are the numbers of the enclosures within the respective parts of parishes being then described (except where specially mentioned as numbers referring to districts outside such parts of parishes) and are the same as the reference numbers thereto according to the  $\frac{1}{2500}$  Ordnance map second edition dated 1900 and 1901.

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### THE THIRD SCHEDULE.

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#### DESCRIPTION OF LANDS ON WHICH STATION FOR GENERATING ELECTRIC POWER MAY BE ERECTED.

Lands and premises situate in Full Street and Silk Mill Lane bounded on the north by Silk Mill Lane on the south by the public baths on the east by the Mill Race and on the west by Full Street and containing an area of about 6,030 square yards And to empower the Corporation to purchase by compulsion or agreement all or some of the above-mentioned lands and premises.

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### THE FOURTH SCHEDULE.

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#### DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED BY THE CORPORATION.

Parish.	Numbers on Deposited Plans.
STREET WIDENINGS AND WORKS.	
Derby - - - -	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 34A 34B 34C 34D 34E 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 94.



## THE FIFTH SCHEDULE.

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## LANDS PROPOSED TO BE ACQUIRED FOR SEWAGE PURPOSES.

Certain lands containing 213 acres or thereabouts situate in the parish or township of Spondon in the county of Derby and numbered 433 434 435 436 (part of) 437 445 (part of) 446 (part of) 447 448 449 450 451 452 456 457 458 459 (part of) 460 462 462A 463 464 465 466 690 (part of) 691 693 729 730 731 767 768 780 795 796 797 798 799 on the  $\frac{1}{2500}$  Ordnance map of that parish (1881 edition) which said lands are bounded on the north by the Midland Railway on the east by Lees Lane and fields Nos. 781 and 800 on the south by the River Derwent on the west by fields Nos. 443 446 (part of) 445 (part of) 444 432 and 436 (part of).

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