

[13 & 14 GEO. 5.] *Barnsley Corporation* [Ch. lxxxix.]
Act, 1923.



CHAPTER lxxxix.

An Act to empower the mayor aldermen and burgesses of the county borough of Barnsley to construct additional waterworks and to improve the access to their electricity works and to make further provision for the improvement health and good government of the borough and for other purposes. A.D. 1923.
[31st July 1923.]

WHEREAS the borough of Barnsley (hereinafter referred to as "the borough") is a county borough subject to the Acts relating to municipal corporations and is under the local government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") acting by the council:

And whereas the several local Acts and Provisional Orders confirmed by Parliament mentioned in the First Schedule to this Act (save so far as any of them is amended by any later Act or Order among the same) are in force within the borough which Acts and Orders are hereinafter referred to collectively as "the former Acts" and each of them separately as an Act or Order of the year in which the same was passed or made:

And whereas the Corporation are the owners of a water undertaking and under the powers of certain of the former Acts supply water within limits which are described in the Act of 1862 and the Act of 1896 and comprise the borough and certain adjacent districts:

And whereas the demands for the supply of water within the limits have increased and are increasing and

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A.D. 1923. — it is expedient that the Corporation be authorised to construct the waterworks described in this Act and to acquire lands and easements for the purposes thereof and for the general purposes of their water undertaking and that the water rates and charges to be demanded and taken by the Corporation be increased :

And whereas by virtue of section 39 of the Act of 1896 the local authorities within the limits of that Act and by virtue of the agreements specified in the Second Schedule to this Act other local bodies within the limits of the Act of 1896 or the Act of 1862 are entitled in perpetuity to be supplied by the Corporation with water in bulk at the price of tenpence per thousand gallons subject to reduction in certain events and it is expedient that provision be made as in this Act contained for the increase and subsequent revision of the price to be paid for those supplies :

And whereas the Corporation are the owners of an electricity undertaking and under the powers of certain of the former Acts supply electricity within the borough :

And whereas the access by rail to the electricity works of the Corporation is inconvenient and it is expedient that the Corporation be empowered to deviate their existing railway siding into those works as in this Act provided and to acquire easements for that purpose :

And whereas it is expedient that special powers be conferred upon the Corporation for regulating the traffic in the borough many of the streets in which are narrow and congested :

And whereas under an indenture of conveyance dated the twenty-fourth day of January one thousand eight hundred and ninety the Corporation are the owners of premises in the borough known as "the Harvey Institute" and they are thereby empowered (amongst other things) to set apart and let a portion thereof as a public hall for meetings gatherings and entertainments and to charge such rents or fees for such use thereof as they may think fit and it is expedient that the Corporation be empowered themselves to provide or arrange for the provision of concerts entertainments exhibitions and amusements and that the other powers in connection therewith in this Act contained be conferred upon them :

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And whereas it is expedient that further powers should be granted to the Corporation for the improvement and better government and for the protection of the health of the borough as in this Act provided : A.D. 1923.

And whereas it is expedient that the Corporation be empowered to acquire land and to borrow moneys for the purposes of this Act and that the other provisions contained in this Act be enacted :

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

And whereas estimates have been prepared by the Corporation for the purchase of lands and easements and for the execution of the works by this Act authorised and for the other purposes referred to in this Act and such estimates are as follows :—

	£
For the acquisition of lands and easements for the waterworks - - -	8,150
For the construction of Scout Dike Reservoir - - - - -	144,800
For the construction of Works No. 2 No. 4 and No. 6 - - - - -	10,950
For the construction of Works No. 3 No. 5 and No. 7 - - - - -	22,500
For filter beds and other waterworks purposes - - - - -	12,000
For the construction of the railway siding and the acquisition of easements therefor - - - - -	650
For the development of Doncaster Road depôt - - - - -	6,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and plans showing the lands which the Corporation may acquire or use compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners

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A.D. 1923. lessees or reputed lessees and of the occupiers of and
— describing such lands have been deposited with the
clerk of the peace for the west riding of the county of
York:

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

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the Barnsley Corpora-
tion Act 1923.

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

Part I.—Preliminary.

Part II.—Water.

Part III.—Electricity.

Part IV.—Lands.

Part V.—Streets buildings sewers and drains.

Part VI.—Sanitary and infectious diseases.

Part VII.—Traffic.

Part VIII.—Sale of coke.

Part IX.—Finance.

Part X.—Miscellaneous.

Incorporation of Acts. 3. The following Acts and parts of Acts (so far as
the same are applicable for the purposes of and are not
inconsistent with the provisions of this Act) are hereby
incorporated with this Act (namely):—

(1) The Lands Clauses Acts with the following
exception and modification:—

(a) Section 127 of the Lands Clauses Con-
solidation Act 1845 (relating to the sale of
superfluous lands) is not incorporated with
this Act;

(b) The bond required by section 85 of
the Lands Clauses Consolidation Act 1845
shall be under the corporate seal of the
Corporation and shall be sufficient without
the addition of the sureties mentioned in that
section:

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(2) The Waterworks Clauses Act 1847 except— A.D. 1923.

(a) the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

(b) Sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) Section 83 (with respect to the yearly receipt and expenditure of the undertakers):

(3) The Waterworks Clauses Act 1863:

(4) The clauses and provisions of the Railways Clauses Consolidation Act 1845 with respect to the construction of the railway and the works connected therewith and with respect to the temporary occupation of lands near the railway during the construction thereof Provided that in the said provisions of the Railways Clauses Consolidation Act 1845 “the company” shall mean the Corporation and in the application of those provisions to the waterworks by this Act authorised “the railway” shall mean those waterworks and “the centre of the railway” shall mean the centre lines as shown on the deposited plans of the lines of pipes authorised by this Act and the top water-line of the reservoirs so authorised and “the prescribed limits” for the purposes of section 32 shall be five hundred yards and the said provisions of the Railways Clauses Consolidation Act 1845 shall not apply to the railway siding by this Act authorised.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And— Interpretation.

“The borough” means the county borough of Barnsley;

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

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- “The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough;
- “The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the borough;
- “The town clerk” “the treasurer” “the surveyor” “the medical officer” and “the sanitary inspector” mean respectively the town clerk the treasurer the surveyor and the medical officer of health of the borough and any sanitary inspector appointed by the Corporation in pursuance of the powers of the former Acts or this Act or any public Act and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any of such officers;
- “The former Acts” means the unrepealed provisions of the Acts and Provisional Orders mentioned in the First Schedule to this Act;
- “The Act of 1862” “the Act of 1896” and “the Act of 1914” mean respectively the Barnsley Local Board Act 1862 the Barnsley Corporation (Water) Act 1896 and the Barnsley Corporation Act 1914;
- “Ingbirchworth Reservoir” means the existing Ingbirchworth Reservoir of the Corporation;
- “The waterworks” means the waterworks and the works in connection therewith authorised by this Act;
- “The millowners” means the owners lessees and occupiers of the several mills factories and works now erected or hereafter to be erected on and using the waters of Scout Dike from the embankment of Scout Dike Reservoir to the river Don and the river Don from Scout Dike to and through the parish of Sheffield;
- “The fishery board” means the board of conservators of the Yorkshire Fishery District;
- “Working day” means every day other than Sundays Christmas Day and the Monday next after Easter Day;
- “The water undertaking” means the water undertaking of the Corporation as authorised by the former Acts and this Act;

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- “The water limits” means the limits within which the Corporation are for the time being authorised to supply water to consumers; A.D. 1923.
- “Water revenue” and “electricity revenue” mean all moneys received by the Corporation in respect of the water undertaking and the electricity undertaking of the Corporation respectively other than borrowed moneys and other moneys which ought to be carried to the account of capital;
- “The electricity undertaking” means the electricity undertaking of the Corporation authorised by the former Acts and this Act;
- “The arbitrator” means the arbitrator to whom any question of disputed purchase money or compensation under the Acquisition of Land (Assessment of Compensation) Act 1919 is referred;
- “The deposited plans” “the deposited sections” and “the deposited book of reference” mean respectively the plans sections and book of reference deposited in relation to the Bill for this Act;
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;
- “Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday;
- “Child” means a person under the age of fourteen years;
- “Omnibus” has the same meaning as in the Town Police Clauses Act 1889;
- “Daily penalty” means a penalty for each day on which an offence is continued after conviction thereof;
- “Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other

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security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

PART II.

WATER.

Power to
make water-
works.

5. Subject to the provisions of this Act the Corporation may in the west riding of the county of York and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works (that is to say) :—

Work No. 1 An impounding reservoir (to be called and in this Act referred to as "Scout Dike Reservoir") to be situate in the urban districts of Hoylandswaine Thurlstone and Gunthwaite and Ingbirchworth and to be formed by means of an embankment across Scout Dike :

Work No. 2 A clear water tank situate wholly in the parish of Ingbirchworth in the urban district of Gunthwaite and Ingbirchworth in the enclosure lying on the east side of and adjoining the existing filter beds of the Corporation in that parish :

Work No. 3 A line or lines of pipes (No. 1) commencing in the parish of Ingbirchworth in the urban district of Gunthwaite and Ingbirchworth in the clear water tank Work No. 2 last described and terminating in the parish and urban district of Hoylandswaine in the service reservoir (No. 1) next described :

Work No. 4. A service reservoir (No. 1) to be called "Hoylandswaine Service Reservoir" situate wholly in the parish and urban district of Hoylandswaine in the enclosure lying on the north-west side of and adjoining the existing service reservoir of the Corporation in that parish :

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Work No. 5 A line or lines of pipes (No. 2) commencing in the parish and urban district of Hoylandswaine in the service reservoir (No. 1) Work No. 4 last described and passing thence into and through the parish or township of Silkstone in the rural district of Penistone and terminating in the parish and urban district of Dodworth in the service reservoir next described :

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Work No. 6 A service reservoir (No. 2) to be called "Champany Hill Service Reservoir" situate wholly in the parish and urban district of Dodworth in the same enclosure as and on the north side of the existing service reservoir of the Corporation in that parish :

Work No. 7 A line or lines of pipes (No. 3) commencing in the parish and urban district of Dodworth in the service reservoir (No. 2) Work No. 6 last described and terminating in the borough at the junction of Dodworth Road and Town End.

In addition to the foregoing works the Corporation may upon the said lands make and maintain all such buildings machinery works ways and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

6. Subject to the provisions of this Act in the construction of the waterworks the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding seven feet upwards and to any extent downwards Provided that the Corporation shall not construct the embankment of Scout Dike Reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of that embankment and five feet in addition and that except for the purpose of crossing over a stream or railway no part of the line

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or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Time for completion of works.

7. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making and construction of those works or otherwise in relation thereto shall cease except as to such of them as shall be then completed.

Application of Waterworks Clauses Act 1847 to discharge pipes and telephones.

8. The Corporation may construct lay down erect and maintain in any street or road within the water limits any discharge pipes scour pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may require to lay down or erect for the purposes of the water undertaking and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall with the necessary modifications apply thereto :

Provided that the Corporation shall not construct lay down erect and maintain any discharge pipes scour pipes telephone or telegraph posts wires conductors or apparatus in through across or under any road bridge or approach of the London and North Eastern Railway Company except with the consent of such company in writing which consent shall not be unreasonably withheld and under the supervision (if given) and to the reasonable satisfaction of the engineer of such company.

For protection of Postmaster-General.

9. Any telephone or telegraph posts wires conductors or apparatus laid down or erected by the Corporation under this Part of this Act shall be used only for the purposes of the waterworks or the existing waterworks of the Corporation and shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

For protection of West Riding County Council.

10. The provisions of section 21 (For protection of the West Riding County Council) of the Act of 1896 shall apply to the waterworks as if the same were herein enacted.

For protection of Penistone District

11. For the protection of the Penistone District Isolation Hospital Committee (in this section referred to as "the hospital committee") the following provisions shall unless otherwise agreed in writing between the

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Corporation and the hospital committee apply and have effect (that is to say) :—

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Isolation
Hospital
Committee.

- (1) Before filling Scout Dike Reservoir with water the Corporation shall at their own expense and to the reasonable satisfaction of the hospital committee and on a site and in accordance with plans sections and a specification to be previously approved by them or in case of dispute to be settled by an arbitrator to be appointed as hereinafter referred to provide a new soak away of suitable design and not less capacity than the existing septic tank of the hospital committee on the lands numbered 1 in the parish and urban district of Hoylandswaine together with all necessary drains pipes and valves for connecting the same with the main drain of the hospital of the hospital committee in the parish aforesaid and shall effectively connect the same with and disconnect the existing septic tank from such main drain at a point therein as near as is reasonably practicable to the hospital :
- (2) The hospital committee shall grant to the Corporation free of charge all wayleaves and proper facilities for enabling the Corporation to comply with the provisions of subsection (1) of this section :
- (3) For all time after the new soak away shall have been connected to the drainage system of the hospital the hospital committee shall at their own expense and to the reasonable satisfaction of the Corporation maintain or cause to be maintained the drainage system from the hospital and the effluent therefrom in a proper state and condition :
- (4) Any difference which may arise between the Corporation and the hospital committee respecting any of the matters referred to in this section shall be referred to a single arbitrator who unless otherwise agreed between the Corporation and the hospital committee shall be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject

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as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference :

- (5) The provisions of this section shall be in addition to and not in derogation from any other right or remedy of the Corporation with respect to a noxious effluent from the drainage system aforesaid.

For protec-
tion of
London and
North
Eastern
Railway
Company.

12. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the railway company") shall unless otherwise agreed in writing between the Corporation and the railway company apply and have effect (that is to say) :—

- (1) The construction repair and renewal of Work No. 5 (line or lines of pipes No. 2) and Work No. 7 (line or lines of pipes No. 3) by this Act authorised and any works connected therewith (hereinafter referred to as "the authorised works") through or under any railway or other property of the railway company shall be constructed and maintained in accordance with plans sections and specifications previously submitted to and approved by the engineer of the railway company and under his direction and superintendence (if given) and where Work No. 5 passes under the railway the same shall be placed in a culvert of sufficient dimensions to permit the same being relaid or repaired without interference with the railway and so that the top of such culvert shall in no case be nearer the bottom of the rails of the railway than three feet :
- (2) The Corporation shall with all despatch restore and make good to the reasonable satisfaction of the said engineer the railway and other property of the railway company so far as the same may be disturbed or interfered with by or in connection with the authorised works :
- (3) If the railway company within fourteen days from the approval by the said engineer or the determination by an arbitrator of any plans sections and specifications as aforesaid give to the Corporation notice in writing that the railway company desire themselves to execute and maintain so much of Work No. 5 (other

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than the actual laying down and maintenance of the pipes) as will be situate on the property of the railway company the railway company may execute the works and may recover from the Corporation the reasonable expenses incurred by the railway company in connection therewith : .

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- (4) The authorised works shall be constructed and maintained so as not to cause any injury or damage to the railway or other property of the railway company or any interruption to the passage or conduct of traffic over such railway or at any station thereon and if any such injury damage or interruption arises from the acts or operations of the Corporation or from the bursting leakage or failure of the authorised works all such injury or damage shall forthwith be made good by the railway company at the expense of the Corporation and the Corporation shall indemnify the railway company from all claims for or arising out of any such injury damage or interruption :
- (5) In the event of the Corporation failing to maintain the authorised works in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the railway company may make good the same and make and do in and upon the lands of the Corporation or their own lands all such repairs and things as may be reasonably requisite and recover from the Corporation the reasonable expenses incurred by them in connection therewith :
- (6) If it should be necessary by reason of the authorised works to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the railway company the railway company may effect such alterations and the Corporation shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (7) The Corporation shall bear and on demand pay to the railway company the reasonable expense of the employment by the railway company

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during the construction repair or renewal of the authorised works through or under the railway of the railway company of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for watching and protecting the railway of the railway company and the conduct of the traffic thereon with reference to and during the construction repair or renewal of the authorised works 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 or any person or persons in the employ of the Corporation or their contractors :

- (8) If at any time it is found necessary in order to enable the railway company under their existing powers to carry out any alterations widenings or extensions of their railway or works that the position of the authorised works shall be altered the Corporation shall on receiving notice in writing from the railway company so to do at the Corporation's own cost and with all dispatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations widenings or extensions and the provisions of this section shall apply to the authorised works in their altered position :
- (9) Any additional expense which the railway company may reasonably and properly incur in connection with their railway or other works by reason of the existence of the authorised works shall be paid by the Corporation :
- (10) If any difference shall arise between the Corporation and the railway company under the preceding subsections the same shall be determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

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13. The following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter referred to as "the railway company") shall unless otherwise agreed between the railway company and the Corporation have full force and effect and be binding upon the Corporation :—

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For protec-
tion of
London
Midland
and Scot-
tish Rail-
way Com-
pany.

- (1) The construction repair and renewal of the line of pipes Work No. 3 (hereinafter referred to as "the said works") authorised by this Act where the same shall be carried over the railway and railway works of the railway company and for a distance of twenty-five feet on each side thereof and all works connected therewith shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the railway company (hereinafter referred to as "the said engineer") and before commencing any such works the Corporation shall submit to the said engineer plans sections and particulars of the works proposed to be executed and such plans sections and particulars shall be delivered at least fourteen days before the commencement of such work and if at the expiration of fourteen days from such delivery no objection has been lodged to such plans sections and particulars of the works then the plans sections and particulars shall be deemed to be approved. Provided that the said line of pipes shall be laid on the existing bridge at the same level as the existing pipe of the Corporation on that bridge if the same can in the opinion of the said engineer be carried out without unreasonably interfering with the structure of the said bridge or alternatively the pipe shall be laid outside and alongside the said bridge on brackets fixed thereto at such a level that the bottom of the pipe is not lower than the soffit of the existing arch :
- (2) All such works shall when commenced be completed with due dispatch in accordance with the approved plans sections and particulars as aforesaid and shall be executed by and at the expense of the Corporation :

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- (3) If the railway company within fourteen days from the approval by the said engineer or the determination by an arbitrator of any plans sections and specifications as aforesaid give to the Corporation notice in writing that the railway company desire themselves to execute and maintain so much of the said works (other than the actual laying down and maintenance of the pipes) as will be situate on the property of the railway company the railway company may execute the works and may recover from the Corporation the reasonable expenses incurred by the railway company in connection therewith :
- (4) The said works shall be constructed and maintained so as not to cause any injury or damage to the railway or other property of the railway company or any interruption to the passage or conduct of traffic over such railway and if any such injury damage or interruption arises from the acts or operations of the Corporation or from the bursting leakage or failure of the said works all such injury or damage shall forthwith be made good by the railway company at the expense of the Corporation and the Corporation shall indemnify the railway company from all claims for or arising out of any such injury damage or interruption :
- (5) In the event of the Corporation failing to maintain the said works in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the railway company may make good the same and make and do in and upon the lands of the Corporation or their own lands all such repairs and things as may be reasonably requisite and recover from the Corporation the reasonable expenses incurred by them in connection therewith :
- (6) If it should be necessary by reason of the said works to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the

railway company the railway company may effect such alterations and the Corporation shall repay to them the reasonable expenses incurred by them in connection with such alterations :

- (7) The Corporation shall bear and on demand pay to the railway company the reasonable expense of the employment by the railway company during the construction repair or renewal of the said works over under or across the railway or other property of the railway company of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the construction repair or renewal of the said works 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 or any person or persons in the employ of the Corporation or their contractors :
- (8) If at any time it is found necessary in order to enable the railway company under their existing powers to carry out any alterations widenings or extensions of their railway or works that the position of the said works shall be altered the Corporation shall on receiving notice in writing from the railway company so to do at the Corporation's own cost and with all dispatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations widenings or extensions and the provisions of this section shall apply to the said works in their altered position :
- (9) Any additional expense which the railway company may reasonably and properly incur in connection with their railway or other works by reason of the existence of the said works shall be paid by the Corporation :
- (10) Any difference arising between the Corporation and the railway company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to

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be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

Accommodation for workmen employed on construction of works.

14.—(1) The Corporation shall erect fit up and maintain or provide :—

- (a) Such huts or buildings for the accommodation of the workmen employed in and about the construction of the waterworks ;
- (b) Such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connection with every such building and hospital.

(2) The Corporation shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Insurance Act 1911 or otherwise.

(3) The medical officer of health of the West Riding County Council shall be entitled at any time to enter into and inspect and examine any accommodation afforded under this section in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

(4) The Corporation shall give such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable on summary conviction to a fine not exceeding forty shillings.

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(5) If at any time it appears to the county council that the Corporation have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Corporation shall afford and maintain such accommodation as the county council may require. Provided that if within fourteen days after the receipt of notice of any requirement of the county council under this subsection the Corporation give notice to the county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Ministry of Health on the application of either of the parties to the difference and the Ministry of Health may make such requirements (if any) in variation of the requirements of the county council as they may think fit.

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(6) If the Corporation fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a further daily penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the county council.

(7) Any expenses incurred by the county council in carrying out the provisions of this section shall be repaid to the county council by the Corporation and shall be recoverable as a debt due from the Corporation to the county council.

15.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining the water-works the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse :

Temporary discharge of water into streams.

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter.

(2) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such powers the amount of compensation to be settled in default of agreement by arbitration.

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the

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A.D. 1923. — railways or works of the London and North Eastern Railway Company.

For protec-
tion of
Thomas
Henry
Hinchliff.

16. For the protection of Thomas Henry Hinchliff or other the owner or owners for the time being of the land covered with water situate in the parish of Hoylandswaine and township of Thurlstone in the urban district of Hoylandswaine and known as Scout Dam (in this section respectively referred to as "the owner" and "the dam") the following provisions shall unless otherwise agreed in writing between the Corporation and the owner have effect (that is to say) :—

- (1) Within one month after the commencement of the construction of Scout Dike Reservoir the Corporation shall pay to the owner the sum of two hundred and fifty pounds in full satisfaction of all claims (other than a claim in respect of any breach of the provisions of subsection (2) of this section) which he might otherwise have for compensation in respect of injurious affection to the dam arising from the construction maintenance or user of Scout Dike Reservoir or from the exercise by the Corporation of the powers of this Act of temporarily discharging water from the waterworks into Scout Dike :
- (2) In the construction maintenance and user of Scout Dike Reservoir and of any works subsidiary thereto the Corporation shall at all times employ all reasonable means including the provision and maintenance of suitable and efficient sieves or grates in order to prevent so far as may be reasonably practicable mud or solid or offensive matter passing or being discharged into Scout Dike :
- (3) Any dispute which may arise under the provisions of this section shall be determined by a single arbitrator to be appointed unless otherwise agreed by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply.

17. Subject to the provisions of this Act the waterworks shall for all purposes whatsoever (inclusive of water rents rates and charges) be deemed part of the water undertaking as if they had been authorised by or included or referred to in the former Acts.

Water-works to form part of water undertaking.

18. Subject to the provisions of this Act the Corporation may by means of the waterworks in conjunction with Ingbirchworth Reservoir collect impound use divert and appropriate for the purposes of the water undertaking the waters of Scout Dike Maze Brook Ingbirchworth Dike and Broadstone Dike and all such other springs streams and waters as may be intercepted by Ingbirchworth Reservoir and the waterworks.

Power to take waters.

19.—(1) Until the completion of Scout Dike Reservoir the Corporation shall discharge compensation water from Ingbirchworth Reservoir in manner provided by section 81 (Compensation in water for supply of streams) of the Act of 1862 and the other provisions of that Act relating thereto shall continue to apply.

As to compensation water.

(2) From and after the completion of Scout Dike Reservoir the following provisions shall apply—

(a) The Corporation shall during twelve consecutive hours of every working day commencing at six of the clock in the morning of each such day discharge or deliver from and out of Scout Dike Reservoir into Scout Dike at a point therein situate not more than two hundred yards below the foot of the embankment of that reservoir not less than one million and twenty-five thousand gallons of water in a continuous flow;

(b) For the purpose of measuring the quantity of water to be so discharged or delivered into Scout Dike the Corporation shall erect and maintain at a point on that dike below Scout Dike Reservoir not more than two hundred yards from the foot of the embankment thereof a proper and suitable measuring gauge (to be reasonably approved by the engineer of the millowners before such erection) over or through which the said compensation water shall flow and the same shall be open to the inspection and examination of the millowners the fishery board and of all persons interested therein;

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(c) The Corporation shall cease to be under any obligation under or by virtue of the Act of 1862 or otherwise to discharge any compensation water from Ingbirchworth Reservoir or the works immediately connected therewith and sections 79 to 88 inclusive of the Act of 1862 shall be repealed.

(3) In case of any neglect on the part of the Corporation to maintain the gauge in a state of efficiency and in case of any other neglect by or in consequence of which the quantity of compensation water to be discharged or delivered from Scout Dike Reservoir shall not so flow the Corporation shall for every day on which such neglect occurs forfeit and pay to each of the millowners the fishery board and other persons injuriously affected thereby who may sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such millowners fishery board or other persons or any of them.

(4) If any difference arises between the Corporation and the millowners or their engineer or the fishery board or any person so interested as aforesaid with respect to the construction or use of the gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

(5) The provisions of this section shall be accepted and taken by the millowners the fishery board and all other persons interested as full compensation for all water which the Corporation may or can (subject to the provisions of the section of this Act of which the marginal note is "Power to take waters") divert collect impound or appropriate from the drainage area which drains towards Scout Dike Reservoir by means of the works by the Act of 1862 or this Act authorised except in respect of any lands situate between the foot of the embankment of Scout Dike Reservoir and the said point of discharge of water into Scout Dike.

For protec-
tion of
Charles

20. For the protection of Charles William Knowles or other the owner or owners for the time being of Ingfield and Willow Farms of the Reverend Joseph George

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Tatham Firth and Mary Georgiana Lowe or other the owner or owners for the time being of Staffords Farm of the Reverend Gamaliel Milner or other the owner or owners for the time being of Green and Broadfield Farms and of Taylor Hanson or other the owner or owners for the time being of Park Farm (each of which several owners are in this section referred to in relation to the several farms owned by them as "the owner" and each of which several farms all being situate in the parish of Ingbirchworth in the urban district of Gunthwaite and Ingbirchworth are in this section referred to as "the farm") the following provisions shall unless otherwise agreed in writing between the owner and the Corporation have effect (that is to say):—

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—
William
Knowles
and others.

- (1) From and after the completion of Scout Dike Reservoir the Corporation shall unless prevented by frost unusual drought or other unavoidable accident or during necessary repairs supply from Ingbirchworth Reservoir or from the existing high level supply tank of the Corporation to the owner free of charge and in perpetuity for the use of the owner or his tenants for domestic agricultural and farming purposes on the farm any quantity of water which the owner or his tenants may reasonably require for such purposes :
- (2) Any water so to be supplied for use on the farm shall be delivered by the Corporation at such point on the farm as will enable the Corporation if they so desire to supply any one or more of the other farms by gravitation from one main pipe of minimum length with a minimum of service pipe regard being had nevertheless to the reasonable requirements of each owner with respect to his point of supply :
- (3) The pipes and works for conveying the water from Ingbirchworth Reservoir or the high level tank of the Corporation to the farm shall be constructed maintained repaired and when necessary renewed by and at the expense of the Corporation :
- (4) The owner and his tenants shall grant to the Corporation free of charge all wayleaves and proper facilities for enabling the Corporation to

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A.D. 1923.
—

lay maintain repair and renew upon the farm or other lands of the owner such pipes and works as the Corporation may require to lay for the purpose of supplying water under the provisions of this section :

- (5) The owner shall take all necessary steps to prevent waste of water supplied under this section :
- (6) Any difference which may arise between the Corporation and the owner with respect to any of the provisions of this section shall be referred to a single arbitrator who unless otherwise agreed between the Corporation and the owner shall be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

Discharge
of water
from Ing-
birchworth
Reservoir.

21. After the completion of Scout Dike Reservoir the Corporation shall discharge from Ingbirchworth Reservoir into Ingbirchworth Dike not less than ten thousand gallons of water in a continuous flow during every period of twenty-four consecutive hours.

Restriction
on taking
water from
Ingbirch-
worth and
Scout Dike
Reservoirs.

22. Notwithstanding anything contained in the Act of 1862 or in this Act the Corporation shall not take for any purpose of the water undertaking other than the discharge of compensation water any water from Ingbirchworth Reservoir or Scout Dike Reservoir so as to impair their ability to comply with the requirements of the section of this Act of which the marginal note is "As to compensation water" and whenever it shall be necessary so to do they shall discharge or deliver from and out of Ingbirchworth Reservoir into Scout Dike such quantities of water as may be requisite (in conjunction with any water flowing from any other source into Scout Dike between the embankments of the Ingbirchworth Reservoir and Scout Dike Reservoir) for enabling them to comply with those requirements.

Limiting
powers of
Corpora-
tion to

23. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands

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upon which the same are to be constructed are specified in this or some other Act of Parliament.

—
abstract
water.

24. Save as by this Act specifically provided nothing therein contained shall be held to take away diminish prejudice or affect the property rights powers or privileges of the millowners or any of them but all such property rights powers and privileges shall and may continue to be held exercised and enjoyed by them respectively in the same manner as they could or might have been if this Act had not been passed.

Saving
rights of
millowners.

25. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of Scout Dike Reservoir 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 Ingbirchworth Reservoir or Scout Dike Reservoir.

Power to
agree as
to drainage
of lands
&c.

26. The Corporation may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Corporation shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the water undertaking.

Power to
hold lands
for pro-
tection of
waterworks.

27. From and after the quarter day next after the passing of this Act the following provisions shall have effect in lieu of section 28 (Rates at which water is to be supplied for domestic purposes) section 29 (Limiting maximum and minimum rates) and section 30 (Rates for waterclosets and baths) of the Act of 1862 and section 5 (Water rent to be according to gross estimated rental)

Rates for
supply for
domestic
purposes
within
1862
limits and
borough.

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A.D. 1923. section 6 (Amendment of section 29 of Barnsley Local Board Act 1862) and section 7 (Rates for waterclosets) of the Act of 1914 (that is to say) :—

(1) The Corporation shall at the request of the owner or occupier of any dwelling-house situate within the limits of the Act of 1862 or such part of the borough as is not within those limits or part of such a dwelling-house entitled under the provisions of the Acts for the time being relating to the water undertaking to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding nine per centum-upon the gross estimated rental of the premises so supplied :

Provided that the Corporation shall not be required to supply any premises with water at a less rate than threepence per week :

(2) The gross estimated rental of any such premises as aforesaid upon which the rate is charged shall be the gross estimated rental thereof ascertained by the valuation list in force at the commencement of the period for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor :

Provided that where the water rate is chargeable on the gross estimated rental of a part only of any hereditament entered in the valuation list such yearly value shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction :

(3) In addition to the foregoing charges the Corporation may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises a sum not exceeding ten shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding twelve shillings and sixpence per annum and for every fixed bath

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capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. A.D. 1923.
—

28. Section 31 (What shall not be deemed domestic purposes) of the Act of 1862 shall be read and have effect as if the words "waterclosets or baths or" had been omitted therefrom. Amend-
ment of
section 31
of Act of
1862.

29.—(1) On and after the quarter day next after the passing of this Act section 38 (Rates for supply of water for domestic purposes) of the Act of 1896 shall be read and have effect as if:— Amend-
ment of
sections 38
and 42 of
Act of
1896.

(a) After the words "within the limits of this Act" the words "except so much of the area included " in those limits as was added to the borough " by the Barnsley Extension Order 1921" were inserted therein;

(b) The words "under the Act of 1862" were omitted therefrom;

(c) In lieu of the words "in that Act" the words "in the Act of 1862" were inserted therein; and

(d) In lieu of the words "a less yearly sum than thirteen shillings" the words "a less sum than fourpence per week" were inserted therein.

(2) Section 42 (Incorporation of certain sections of the Act of 1862) of the Act of 1896 shall be read and have effect as if the word "thirty" were omitted therefrom.

30. On the application of the Corporation or of a local authority having jurisdiction within the water limits the Minister of Health may make an order varying either by way of increase or decrease the rates for the supply of water authorised by the sections of this Act of which the marginal notes are "Rates for supply for domestic purposes within 1862 limits and borough" and "Amendment of sections 38 and 42 of Act of 1896" Provided that any such order shall preserve the difference in maximum charges prescribed by those sections and shall be subject to revision in like manner at the expiration of every period of three years. As to revi-
sion of
water rent
and price
for water.

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Supply of
water to
houses
partly
used for
trade &c.

31.—(1) The Corporation shall not be bound to supply with water otherwise than by measure (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse public institution hospital asylum (whether public or private) sanatorium club hotel public-house or inn.

(2) The minimum quarterly charge for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same gross estimated rental.

Water rates
payable by
owners of
small
houses.

32. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner :

Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Amend-
ment of
section 35
of Water-
works
Clauses
Act 1847.

33. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-sixth part of such expense and as if the period of three years mentioned in that section were five years.

Amend-
ment of
section 39
of Act
of 1896.

34. Section 39 (Corporation if required to supply water in bulk to sanitary authorities within limits of this Act) of the Act of 1896 shall be read and have effect in its application to water supplied thereunder after the meter readings for the quarter ending on the thirty-first day of December one thousand nine hundred and twenty-three as if in lieu of the price of ten pence per one thousand gallons the price of eleven pence per one thousand gallons had been named therein and as if in lieu of the second

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proviso which relates to a reduction being made in the said price of ten pence the following proviso had been inserted :—

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—

“ Provided that the said price of eleven pence per one thousand gallons shall be subject to revision in the case of any and every such sanitary authority who shall serve on the Corporation or on whom the Corporation shall serve on a day not earlier than the thirtieth day of December one thousand nine hundred and twenty-six a notice in writing demanding a revision of such price and from and after the reading of the meter or meters for the quarter in which such notice shall be served the price to be paid by the sanitary authority serving or served with such notice shall be such sum as in default of agreement between that authority and the Corporation shall be determined by a single arbitrator to be appointed unless otherwise agreed by the President of the Institution of Civil Engineers and in such determination regard shall be had to amongst other things the amount expended by the Corporation upon the water undertaking (exclusive of their disused pumping station reservoir and goit situate at Smithies and exclusive of the works used solely for the distribution of water in the borough) up to the service of the notice and to the prospective additional capital expenditure upon and the existing and prospective working expenses (inclusive of rates and taxes) and cost of maintenance of the water undertaking (exclusive as aforesaid and also excluding the cost of distributing water in the borough) and any price so agreed or determined shall be subject to revision in like manner at the expiration of every subsequent period of three years.”

35.—(1) Notwithstanding anything therein contained to the contrary each of the agreements specified in the Second Schedule to this Act and any other agreement for a supply by the Corporation of water in bulk to any sanitary authority whose district is wholly or partly within the limits of the Act of 1896 which is now subsisting or capable of taking effect shall be read and

Variation of
scheduled
agreements.

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A.D. 1923. have effect as if the same contained a provision to the
— following effect:—

“Notwithstanding anything herein contained the price to be paid for the water supplied under this agreement after the meter readings for the quarter ending on the thirty-first day of December one thousand nine hundred and twenty-three shall be the sum of eleven pence per one thousand gallons and if either party hereto shall give to the other a notice in writing requiring such price to be further reviewed on or after the thirtieth day of December one thousand nine hundred and twenty-six the price to be paid for all water supplied under this agreement after the meter readings for the quarter in which such notice shall be given shall be such sum as in default of agreement shall be determined by a single arbitrator to be appointed unless otherwise agreed by the President of the Institution of Civil Engineers and in such determination regard shall be had to amongst other things the amount expended by the Corporation upon the water undertaking (exclusive of their disused pumping station reservoir and goit situate at Smithies and exclusive of the works used solely for the distribution of water in the borough) up to the service of the notice and to the prospective additional capital expenditure upon and the existing and prospective working expenses (inclusive of rates and taxes) and cost of maintenance of the water undertaking (exclusive as aforesaid and also excluding the cost of distributing water in the borough) and any price so agreed or determined shall be subject to revision in like manner at the expiration of every period of three years.”

(2) Notwithstanding anything in this Act contained each of the said agreements may be varied and altered by agreement between the Corporation and the authority for the time being entitled to the benefit thereof.

Supply in
bulk to
Thurlstone
Urban
District
Council.

36.—(1) If at any time the Thurlstone Urban District Council (hereinafter referred to as “the Thurlstone Council”) shall by notice in writing to the Corporation require a supply of water in bulk for the supply of their district as at present constituted the Corporation shall

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as from a date to be mentioned in the notice and not being earlier than the date of the completion and first filling of Scout Dike Reservoir and the construction of Work No. 3 (line of pipes No. 1) by this Act authorised or the expiration of twelve months from the date of the receipt of such notice whichever shall be the later supply to the Thurlstone Council and the Thurlstone Council shall accept and take at the price of one shilling per one thousand gallons such quantity of water not being more than twenty-five thousand gallons a day as may be required by the Thurlstone Council Provided that the giving and taking of such supply may at any time be terminated and after termination renewed on receipt by the Corporation of notice in writing from the Thurlstone Council of not less than twenty-four hours in the case of termination and of twenty-eight days in the case of renewal Provided also that the price of one shilling per one thousand gallons shall be subject to revision at the same times in the same manner and on the same considerations as those applicable to the price to be paid for water supplied in bulk by the Corporation under the provisions of section 39 of the Act of 1896 as amended by this Act.

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(2) The water to be supplied and taken under this section shall be water which has been filtered by the filters of the Corporation at the foot of Ingbirchworth Reservoir and shall be supplied and taken at the pressure available by gravitation at a point on Work No. 3 or on the existing main of the Corporation in Carr Lane to be indicated by the water engineer of the Corporation.

(3) All water so supplied and taken shall be measured by a meter or other apparatus which shall be placed in some suitable chamber or building to be provided by the Corporation near the point of supply and such meter and chamber or building and all valves and other apparatus connecting the same with Work No. 3 or the existing main aforesaid shall be provided fixed constructed maintained and controlled by the Corporation The Thurlstone Council shall pay a rent for the meter according to the scale of meter rents for the time being in force within the borough and shall at all reasonable times be at liberty on giving twenty-four hours notice to the Corporation to inspect such meter and the works appertaining thereto and to test the accuracy thereof.

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(4) The register of the meter shall be *primâ facie* evidence of the quantity of water supplied by the Corporation through such meter.

(5) If at any time the meter shall cease to register or shall register incorrectly or shall at any time be removed for the purpose of repair or for any other reason then until such meter shall be repaired and refixed so as to register correctly the quantity of water passing through the same or until the same or some other meter correctly registering the water has been fixed the meter shall be deemed to have ceased to register or to register incorrectly immediately after the date on which the meter was previously read by the Corporation and as from that date the Corporation shall be entitled to charge and the Council shall be liable to pay for a daily quantity of water equal to the average daily quantity of water taken by the Council under this section during the nearest corresponding period of the previous year. In the event of the meter at any time registering incorrectly the Corporation on becoming aware thereof shall repair or replace the same with a correct meter within a reasonable time in that behalf and in the event of the meter being removed for any reason the Corporation shall refix or replace the same within such reasonable time.

(6) The Corporation shall not be liable for any damage loss or expense caused by any failure in the supply of water to the Thurlstone Council if such failure be occasioned by frost unusual drought or any other unavoidable cause or accident or during necessary repairs.

(7) The Thurlstone Council shall not supply water furnished to them under this section outside or for use outside their district.

(8) All accounts for the water supplied and for the meter rent shall be furnished quarterly and made up to the usual quarter days in every year and become due for payment within one calendar month after receipt.

(9) Any difference between the Corporation and the Thurlstone Council under this section shall be settled by arbitration by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party.

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37. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

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—
Penalty
for closing
valves and
apparatus.

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

Penalty
for inter-
fering with
sluices &c.

39. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Corporation
not bound to
supply several
houses by one
pipe.

40. Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Corporation.

Mainten-
ance of
common
pipe.

41. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and

Notice to
Corpora-
tion of
connecting
or dis-
connecting
meters.

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all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to
discontinue
supply.

42. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation or be given by the consumer personally at the office of the Corporation.

PART III.

ELECTRICITY.

Deviation
of existing
railway
siding.

43. Subject to the provisions of this Act the Corporation may in the line and according to the levels shown on the deposited plans and sections make and maintain and use for the conveyance of goods and minerals to and from their electricity works the railway siding in the borough hereinafter described together with all proper junctions signals and other works and conveniences connected therewith The railway siding hereinbefore referred to and authorised by this Act is :—

A railway siding 3·12 chains in length being a deviation of the existing railway sidings from the Barnsley to Barnetby Branch Railway of the Great Central Railway to the electricity works of the Corporation commencing at a point on the existing siding aforesaid nearest to the electricity works 40 yards or thereabouts measured along that siding from the north-western termination thereof and a point on the siding of the Barnsley Gas Company 33 yards or thereabouts measured along that siding north-westwards from its junction with the said railway.

Agreements
for con-
struction
&c. of
railway
sidings.

44. The Corporation may enter into and carry into effect agreements with the London and North Eastern Railway Company and with the Barnsley Gas Company with respect to the construction maintenance working and user of the railway siding by this Act authorised.

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45.—(1) In case any owner or occupier of premises who has hired from the Corporation any electric line fitting apparatus or appliance (in this section referred to as "fittings") sells or leaves the premises in which such fittings are fixed or fastened and the next owner or occupier of those premises desires to purchase instead of to hire those fittings the Corporation may notwithstanding anything contained in the Electricity (Supply) Acts 1882 to 1922 sell those fittings to such next owner or occupier upon such terms and conditions as may be agreed between him and the Corporation.

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Sale of
electrical
apparatus
let on hire.

(2) Section 8 (Letting hiring and fixing of lamps meters and other electrical fittings) of the Act of 1914 is hereby repealed.

PART IV.

LANDS.

46. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may stop up and discontinue such footpaths as are shown on the deposited plans as intended to be stopped up or as are included within the limits of the lands to be compulsorily acquired and which shall be acquired by the Corporation for the purposes of the waterworks or of filter beds in connection with Ingbirchworth Reservoir:

Power to
take lands.

Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

47. Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act purchase or acquire any greater quantity of land forming part of Norwoods Common in the parish and urban district of Thurlstone aforesaid than .75 acres.

Limiting
quantity
of certain
lands to
be taken.

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Saving for
Barnsley
Gas
Company.

48. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Corporation shall not except by agreement enter upon take or use any lands of the Barnsley Gas Company.

Saving for
lands of
London
and North
Eastern
Railway
Company.

49. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Corporation shall not except by agreement enter upon take or use any lands of the London and North Eastern Railway Company (in this section referred to as "the railway company") but they may purchase and take such right or easement or privilege over upon across or under the railway works or property of the railway company delineated on the deposited plans as shall be necessary for the purpose of constructing maintaining and using the lines of pipes Work No. 5 and Work No. 7 by this Act authorised and any works connected therewith and the Corporation shall not either temporarily or permanently enter upon use or interfere with any railway works or property of the railway company save only as far as may be necessary for the purpose of constructing maintaining and using those works in accordance with the provisions of this Act.

Saving for
lands of
London
Midland
and
Scottish
Railway
Company.

50. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall not without the previous consent of the London Midland and Scottish Railway Company (in this section referred to as "the railway company") under their common seal purchase or acquire any lands or property of the railway company but the Corporation may—

- (a) purchase and take and the railway company shall sell and grant accordingly an easement or right of using so much of the lands of the railway company as may be necessary for the construction and maintenance of the line or lines of pipes (Work No. 3) by this Act authorised; and
- (b) enter upon take or use any lands of the railway company required for the purpose of the construction of the railway siding by this Act authorised upon the terms and conditions (but without any increase in the rent) set out in an

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agreement dated twenty-second February one thousand eight hundred and ninety-three and made between the Corporation and the Midland Railway Company. A.D. 1923.

51.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts. Corpora- tion may acquire easements only in certain cases.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

52.—(1) Whereas in the construction of the water-works 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 :— Owners may be required to sell parts only of certain premises.

(a) The owner of and persons interested in any of the properties whereof the whole or part is described in the Third Schedule to this Act

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and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled 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 arbitrator shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled properties 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 arbitrator determines that the portion of the scheduled properties 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 arbitrator 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

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including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator; A.D. 1923.

- (e) If the arbitrator determines that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;
- (f) If the arbitrator determines that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so 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 arbitrator determines that the portion of the scheduled properties 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 arbitrator shall having regard to the circumstances of the case and his final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 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

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A.D. 1923. 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
or endorsed on every notice given thereunder to sell
and convey any premises.

Persons
under
disability
may grant
easements
&c.

53. 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.

Limit of
time for
compulsory
purchase
of lands.

54. The powers of the Corporation for the com-
pulsory purchase of lands for the purposes of this Act
shall cease after the expiration of three years from the
passing of this Act.

Compensa-
tion in
case of
recently
acquired
interest.

55. For the purpose of determining any question
of disputed compensation payable in respect of lands
taken under the powers of this Act the arbitrator shall
not award any sum of money for or in respect of any
improvement alteration or building made or for or in
respect of any interest in the land created after the
eighteenth day of November one thousand nine hundred
and twenty-two if in the opinion of the arbitrator the
improvement alteration or building or the creation of
the interest in respect of which the claim is made was not
reasonably necessary and was made or created with a
view to obtaining or increasing compensation under this
Act.

Retention
and disposal
of lands.

56. Notwithstanding anything in any other Act or
Acts to the contrary the Corporation may retain hold and
use for such time and for such purpose as they may think
fit or may 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 either in consideration of the execution of works

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or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Acts 1890 to 1919) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

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Provided that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation, in any case in which such consent would have been required if this Act had not been passed.

57. The Corporation on selling any lands held by them for the purposes of the water undertaking and not required for those purposes may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reserva-
tion of
water
rights &c.

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

Proceeds
of sale of
surplus
lands.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands

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A.D. 1923. — acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

Further powers for acquisition of lands.

59.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any moneys so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

(2) The Corporation may enter into contracts for the purposes of this section and may pay any sum payable under the contract and for that purpose may borrow money temporarily from their bankers for a period not exceeding twelve months.

(3) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the borough fund and borough rate or the district fund and general district rate as the case may be.

Consideration for such acquisition.

60. 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.

Power to develop certain lands.

61.—(1) The Corporation may lay out and develop and erect and maintain shops offices warehouses and other like buildings and construct pave flag channel and kerb yards and ways on the lands forming the waterworks depôt of the Corporation abutting on Doncaster Road and Pontefract Road in the borough and may sell lease

exchange or otherwise dispose of any such shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

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(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of the works by this Act authorised or any of them with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

(5) Any capital moneys received by the Corporation in respect of any dealings in the lands in this section referred to shall be applied by them in or towards the extinguishment of any loan raised by them under the authority of this Act for the purposes of this section or with the approval of the Minister of Health for any other purpose to which capital money may be applied.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

62.—(1) Where any street or road repairable by the inhabitants at large in the borough or any part of such street or road is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary

Power to define future line of existing streets.

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A.D. 1923. — or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which in any case the Corporation propose to describe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises. No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled in manner provided by the Acquisition of Land (Assessment of Compensation) Act 1919. Provided that the Corporation shall not be required by any owner to purchase any land under the provisions of this section until a building shall have been erected on the land immediately behind the land to be purchased.

(3) Whenever in any of the above cases the Corporation shall require the line prescribed by them to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage he or they may sustain respectively in consequence of the line of frontage being set back and kept and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation for all damage and loss or

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injury (if any) sustained by them to such land or building by reason of the Corporation requiring such line to be observed and kept. A.D. 1923.

(4) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

63.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line so shown unless within six weeks after the date of submission thereof as aforesaid they shall have signified to the person submitting the same their disapproval thereof. Building
line in new
streets.

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line for such street has been approved by the Corporation nor beyond or in front of the building line approved by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect

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(4) In the event of the Corporation requiring as a condition for their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of the street than one-half of the width of the street and ten feet in addition the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

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

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

(7)—(a) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(b) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Application of purchase money in certain cases.

64. The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase money or compensation coming to parties having limited interests or prevented from treating or not making title shall apply to any purchase money or compensation payable under the foregoing provisions of this Part of this Act.

No building allowed until street defined.

65.—(1) No person except with the consent of the Corporation shall in any new street in the borough commence to erect any new building or to excavate the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and the level thereof.

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(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings. A.D. 1923.

66.—(1) Every dwelling-house erected in the borough after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. Food storage accommodation to be provided.

(2)—(a) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs. Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(c) If in any case the owner alleges that the occupier of any dwelling-house in respect of which any work is required to be executed under the provisions of this subsection ought to bear or contribute to the expenses of the execution of such work he may apply to a court of summary jurisdiction and such court shall have power to make such order as the court may think fit.

67.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 (Examination of Provisions in lieu of section 19 of Public Health Acts

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—
Amend-
ment Act
1890.

drains privies &c. on complaint of nuisance) of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor (or in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 (Extension of 38 & 39 Vict. c. 55. s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

Owners to
repair and
cleanse
culverts.

68.—(1) The owner of any culvert over any water-course made before or after the passing of this Act shall from time to time repair maintain and cleanse the same and if any such owner fails to comply with the requirements of a notice given to him by the Corporation to repair maintain or cleanse his culvert within a time specified in the notice the Corporation may execute any necessary works of repair or maintenance of or may cleanse such culvert and the expenses thereby incurred as certified by the surveyor shall be repaid to them by the owner.

(2) This section shall not apply to any culvert constructed and maintained or to be constructed and maintained under any statutory provisions.

Lopping
of trees
over-
hanging
highways.

69.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort 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 within fourteen days so as to prevent such obstruction or interference and in default of compliance the Corporation

may themselves carry out the requisition of their notice doing no unnecessary damage. A.D. 1923.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within fourteen clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town 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 as a civil debt. Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

70. Nothing in this Part of this Act shall apply to any building (not used as a dwelling-house) or work constructed or to be constructed by a railway company as a part of or for the purposes of their railway under any statutory powers or to any lands held or acquired or which may hereafter be held or acquired by such company and used for the purposes (other than for a dwelling-house) of their railways with the authority of Parliament. Saving for railway companies.

PART VI.

SANITARY AND INFECTIOUS DISEASES.

71.—(1) The Corporation may prescribe the size and materials of ashbins for use within the borough and any ashbin required by the Corporation to be provided by the owner or occupier of any premises shall be of the size and materials so prescribed. Regulation ashbins.

(2) In any case in which an ashbin already provided by the owner or occupier of any premises is not of the size and materials so prescribed as aforesaid and in any case in which an ashpit or other receptacle for refuse not being an ashbin of the size or material prescribed as aforesaid is in use in connection with any premises the Corporation may either—

(a) themselves at the cost of the owner or occupier of the premises in connection with which such ashbin was provided or an ashpit or other receptacle not being a prescribed ashbin is in use provide or supply; or

(b) require such owner or occupier to substitute for such ashbin ashpit or other receptacle;

an ashbin of such size and materials as aforesaid.

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(3) The Corporation shall give to the owner of any existing ashbin or other receptacle (not being an ashpit) which shall be replaced under the provisions of this section and which but for the prescription of the Corporation would have been a sufficient and suitable receptacle for refuse credit for the value of such existing ashbin or other receptacle.

(4) Except as hereinafter provided the owners or occupiers of all premises in connection with which an ashbin of the size and materials prescribed by the Corporation has been provided shall pay to the Corporation on each first day of April after such provision such sum not exceeding five shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such ashbin. Such payment shall be in satisfaction of the obligation of such owners or occupiers in regard to such maintenance repair and renewal.

(5) Any ashbin which may be substituted by the Corporation for an ashpit which is in use at the passing of this Act and but for the prescription of the Corporation would have been a sufficient and suitable receptacle for refuse shall be maintained by the Corporation free of expense for a period of five years from the passing of this Act to the owner and occupier of the premises in connection with which such ashpit was used.

(6) Section 14 (Regulation dustbins) of the Act of 1914 is hereby repealed.

Restric-
tion as to
use of
dustbins.

72.—(1) From and after the passing of this Act it shall not be lawful for any person to use any ashbin or dustbin for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(2) Any person contravening the provisions of this section shall be liable to a penalty of ten shillings and to a daily penalty of ten shillings.

Rag and
bone
dealers not
to sell food.

73.—(1) It shall not be lawful for any collector or dealer in rags bones or bottles or similar articles or any person carrying on the business of rag and bone dealer or merchant or any person acting on behalf of any such person as aforesaid to sell or distribute within the borough any articles of food or any bladder or balloon.

inflated or capable of inflation by human breath from any cart barrow or other vehicle used for the collection of rags bones or bottles or similar articles or in or from any shop or premises used for or in connection with the business of rag and bone dealers or merchants.

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(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

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

Power to close Sunday schools and exclude children from entertainments.

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

75.—(1) No person over the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

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

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—
Special provisions to prevent spread of infectious diseases.

76. Any parent or other person liable to maintain a child in attendance at a school who is aware of or has reason to suspect the occurrence of any infectious disease in any member of the family and who fails forthwith to notify such occurrence to the head teacher of the school shall be liable to a penalty not exceeding twenty shillings :

Provided that in any proceeding under this section a certificate purporting to be under the hand of the head teacher of the school under the control of the Corporation at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate.

Extended meaning of "infectious disease" for certain purposes.

77. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles german measles whooping cough chicken-pox and influenza.

Removal of persons suffering from pulmonary tuberculosis to hospital.

78.—(1) If the medical officer certifies in writing that any person is suffering from pulmonary tuberculosis and is in an infectious state and that by reason of the lodging or accommodation with which such person is provided being such that proper precautions to prevent the spread of infection cannot be taken or by reason of such precautions not being taken serious risk of infection is caused to other persons and that thorough inquiry and consideration have shown the necessity in the public interest for the compulsory isolation of the person the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination by a registered medical practitioner to be nominated by them if they think fit may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the borough or within a convenient distance of the borough and for the retention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

(2) The medical officer shall give the person so suffering or some person being in charge of the person

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so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made. A.D. 1923.

(3) The Corporation may in their discretion during the period of retention make payments for or towards the effective support and maintenance of the relatives of or those actually dependent upon any person so suffering occasioned by the removal of any such person to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the amount necessary for such effective support and maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependants.

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

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

79.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any boat tent van or similar structure used for human habitation) or any part thereof would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or such part thereof will be cleansed and disinfected by and at the cost of the Cor- Disinfection in case of tuberculosis.

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poration unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice.

If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if so having informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer :

Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

(b) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the town clerk and who shall produce his authority enter on any premises between the hours of nine o'clock in the forenoon and six o'clock in the afternoon.

(c) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirements shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the owners free of charge. A.D. 1923.

(3) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of the compensation shall be recoverable in and in case of dispute may be settled by a court of summary jurisdiction.

PART VII.

TRAFFIC.

80.—(1) For the better regulation of persons desiring to travel in omnibuses the Corporation may erect and maintain or authorise any company or person to erect and maintain barriers and posts at any stopping-place or terminus within the borough and for that purpose may use part of the highway and the Corporation may make byelaws requiring persons waiting to enter omnibuses at any such stopping-place or terminus upon any omnibus route to wait in lines or queues and to enter such omnibuses in the order in which they stood in such line or queue : Power to require intending passengers to wait in lines or queues.

Provided always that the Corporation shall not erect or maintain any barrier or post or require persons waiting to enter omnibuses to wait in any line or queue so as unreasonably to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

(2) Any byelaws made by the Corporation under this section shall be made subject to and in accordance with the provisions with respect to the making of byelaws of the Tramways Act 1870.

81.—(1) The Corporation may from time to time make regulations prescribing within the central area— Regulations for controlling traffic.

(a) the routes to be taken by all vehicles or by any particular class or description of vehicle either generally or during particular hours and that in certain streets within that area vehicular traffic shall pass in one direction only;

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- (b) the stands to be occupied exclusively by omnibuses of any particular class or description or used on any particular route or running according to a published time table;
- (c) the time during which any omnibus shall be allowed to remain at any one stand; and
- (d) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers:

Provided that no regulation made under paragraph (a) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the borough whilst so engaged.

(2) No regulation made under this section shall come into operation except with the approval of the Minister of Transport and the said Minister may approve the same with or without modifications or may disallow the same. Provided that before considering any regulation the said Minister shall direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the said Minister for the services of such person.

(3) Such regulations shall take effect as approved by the Minister of Transport and shall come into force on a date to be fixed by him.

(4) The Corporation shall cause to be given at least fourteen days' notice of the intention to hold such local inquiry together with particulars of any proposed regulations by advertisement in a newspaper published or circulating in the borough and in the London Gazette.

(5) The Minister of Transport in considering any regulation under this section shall have all proper regard to the necessities of through locomotive traffic and of persons who own or use locomotives and shall consider any representations made to him.

(6) Any person who shall contravene any such regulation after warning given by word or signal by a police constable stationed in the street to direct the traffic shall be liable to a penalty not exceeding forty shillings.

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(7) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper published or circulating in the borough and otherwise in such manner as may be prescribed by the Minister of Transport. A.D. 1923.
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(8) A copy of any regulations approved under this section purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly approved shall be evidence until the contrary is proved in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(9) For the purposes of this section the central area means the portion of the borough comprised within a radius of half a mile from St. George's Church.

82.—(1) Any person or persons intending to organize or form a procession in or through the streets of the borough for the purposes of holding a meeting show or entertainment (other than processions which are regularly held in or through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at their head police office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets. Notice of processions to be given.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding twenty shillings.

PART VIII.

SALE OF COKE.

83.—(1) Where any coke sold or represented to be sold as a load by weight and exceeding two hundred-weights in quantity is delivered by means of any vehicle to a purchaser the seller of such coke shall deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before such load is discharged a ticket or note as nearly as may be according Weight ticket or note on delivery of coke over two hundred-weights.

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(2) If default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note or if the quantity of coke delivered or in course of delivery is less than the quantity expressed in the ticket or note the seller thereof shall be liable to a penalty not exceeding five pounds.

(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or other officer appointed for the purpose by the Corporation he shall be liable to a penalty not exceeding five pounds.

Weighing instrument or measure to be carried on vehicle.

84.—(1) Coke shall not be sold from any vehicle in any quantity exceeding fourteen pounds unless there is carried on the vehicle a weighing instrument or measure stamped by an inspector of weights and measures.

(2) In the case of any contravention of this section the person in charge of the vehicle and any person selling coke therefrom shall be liable to a penalty not exceeding five pounds.

Regulating sale of coke under two hundredweights.

85.—(1) Every person who shall exercise or carry on the trade of a hawker or seller of coke in quantities not exceeding two hundredweights shall cause his name and place (or places) of business to be registered in the books of the weights and measures department at the inspector's office Barnsley and on each and every occasion on which he shall change or discontinue his registered place or places of business or any of them he shall within three days thereafter cause to be registered in the said books particulars of such change or discontinuance.

(2) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale coke in a quantity exceeding fourteen pounds but not exceeding two hundredweights shall sell the same or offer or expose the same for sale in sacks with a metal

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label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

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(3) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in quantities not exceeding two hundredweights shall have the name and address of the seller of such coke and a statement of the fact that he is registered pursuant to the provisions of this section conspicuously painted upon such vehicle Any person who shall fail to comply with the foregoing provisions of this section shall be liable on the first occasion to a penalty not exceeding forty shillings and on the second or any subsequent occasion to a penalty not exceeding five pounds.

(4) If the seller or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale in quantities not exceeding two hundredweights wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

(5) Public notice of the provisions of this section shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice fixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained The production of copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this subsection as to advertisements in newspapers have been complied with.

86.—(1) Any purchaser of coke in a quantity exceeding two hundredweights and any inspector of weights and measures or other officer appointed for the purpose by the Corporation may subject as hereinafter provided require that any coke sold as mentioned in the section of this Act of which the marginal note is "Weight ticket or note on delivery of coke over two

Power to require weighing or re-weighing of coke and vehicles.

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A.D. 1923. hundredweights ” or any vehicle used for the carriage of such coke be weighed or re-weighed by any instrument stamped by an inspector of weights and measures.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweights and any inspector of weights and measures or other officer appointed by the Corporation may subject as hereinafter provided require that any coke sold offered or exposed for sale as mentioned in the section of this Act of which the marginal note is “Regulating sale of coke under two hundredweights ” be weighed or re-weighed or measured or re-measured by any instrument or measure stamped by an inspector of weights and measures.

(3) Provided that—

(a) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation;

(b) Where any such coke or vehicle has at the instance of the purchaser been weighed or re-weighed or measured or re-measured in pursuance of this section and found to be of the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring.

(4) If any person obstructs any weighing or re-weighing or measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

(5) Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this section or under either of the two other sections of this Act which are in this section before referred to.

PART IX.

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FINANCE.

87. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such expenses as are to be paid out of borrowed money) shall be paid as follows (that is to say) :—

Expenses of execution of Act.

- (1) Expenses incurred for purposes of the waterworks undertaking out of the water revenue;
- (2) Expenses incurred for purposes of the electricity undertaking out of the electricity revenue;
- (3) Expenses incurred for sanitary purposes out of the district fund and general district rate;
- (4) Expenses incurred for all other purposes (not otherwise provided for in this Act) out of the borough fund and borough rate.

88.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods mentioned in the fourth column thereof (namely) :—

Power to borrow.

Purpose. (1)	Amount. (2)	Charges. (3)	Period for repayment. (4)
(a) (i) For the acquisition of lands and easements for the waterworks.	£ 8,150	The water revenue and the improvement rate and as collateral security the district fund and general district rate.	60 years from the date or dates of borrowing.
(ii) For the construction of Scout Dike Reservoir.	144,800		60 years from the date or dates of borrowing.
(iii) For the construction of Works No. 2 No. 4 and No. 6 by this Act authorised.	10,950		25 years from the date or dates of borrowing.

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Purpose. (1)	Amount. (2)	Charges. (3)	Period for repayment. (4)
(iv) For the construction of Works No. 3 No. 5 and No. 7 by this Act authorised.	£ 22,500	}	30 years from the date or dates of borrowing.
(v) For filter beds and other water-works purposes.	12,000		15 years from the date or dates of borrowing.
(b) For the construction of the railway siding by this Act authorised and easements therefor.	650	The electricity revenue and the district fund and general district rate.	15 years from the date or dates of borrowing.
(c) For the development of Doncaster Road depôt by this Act authorised.	6,000	The district fund and general district rate.	30 years from the date or dates of borrowing.
(d) For the paying of the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	The district fund and general district rate.	5 years from the passing of this Act.

(2)—(a) The Corporation may also with the consent of the Electricity Commissioners borrow such further moneys as may be necessary for the purpose of providing working capital for the electricity undertaking and for any of the purposes of Part III. (Electricity) of this Act.

(b) The Corporation may also with the sanction of the Minister of Health borrow such further moneys as may be necessary (a) for the purpose of providing funds for working capital for the water undertaking (b) for the purpose of providing a working balance for the payment of current expenses that may be incurred by the Corporation in the exercise or performance of their powers and duties the cost of which is from time to time charged on the borough fund or the district fund and (c) for any other of the purposes of this Act.

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(3)—(a) Any money borrowed under subsection (2) of this section shall be repaid within such period as may be prescribed by the Commissioners or Ministry with whose consent it is borrowed and that period shall be the prescribed period for the purposes of the enactments incorporated herewith; A.D. 1923.

(b) In order to secure the repayment of any money borrowed under subsection (2) of this section and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Commissioners or Ministry with whose consent the money is borrowed.

(4) The provisions of this section shall not limit the powers conferred upon the Corporation by section 36 (Power to use one form of mortgage for all purposes) of the Act of 1914.

89. Section 30 of the Act of 1914 shall be read and have effect as if in lieu of the words "three pounds per centum per annum" there were inserted the words "three pounds ten shillings per centum per annum or at such higher rate as from time to time may be approved by the Minister of Health." Amend-
ment of
section 30
of Act of
1914.

90. The following provisions of the Act of 1914 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act namely:— Application
of provi-
sions of Act
of 1914.

- Section 3 (Interpretation);
- Section 25 (Mode of raising money);
- Section 26 (Provision as to mortgages);
- Section 27 (Protection of lenders from inquiry);
- Section 28 (Corporation not to regard trusts);
- Section 29 (Mode of payment off of money borrowed);
- Section 30 (Sinking fund);
- Section 31 (Power to invest all sinking funds in statutory securities);
- Section 32 (Return to Local Government Board as to sinking fund);
- Section 33 (Appointment of receiver).

91. Notwithstanding anything in this or any other Act contained it shall be lawful for the annual provision required to be made by the Corporation for repayment of money borrowed or to be borrowed by them under Suspension
of payments
into certain
sinking
funds.

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A.D. 1923. — the provisions of this Act for or in respect of the construction of the waterworks other than filter beds to be suspended until the expiration of the period limited by this Act for the completion of Scout Dike Reservoir.

Application
of revenue
of water
under-
taking.

92. Section 60 (Application of revenue of water undertaking) of the Act of 1896 is hereby repealed and from and after the passing of this Act the Corporation shall apply all moneys received by them from the revenue of the water undertaking as follows :—

First—In payment of the interest on moneys borrowed by the Corporation under the powers of the Act of 1862.

Secondly—In payment of the interest on moneys borrowed by the Corporation under the powers of the Act of 1866.

Thirdly—In payment of the interest on moneys borrowed by the Corporation under the powers of the Act of 1880 and the Barnsley Order (2) confirmed thereby and the Act of 1893 and the Barnsley Order confirmed thereby.

Fourthly—In payment of the interest on moneys borrowed by the Corporation under the powers of the Act of 1896.

Fifthly—In payment of the interest on moneys borrowed by the Corporation for the purposes of the water undertaking under any Act Order or sanction passed or granted after the Act of 1896.

Sixthly—In payment of the working and establishment expenses (inclusive of rates and taxes) and cost of maintenance of the water undertaking.

Seventhly—In providing the required appropriations instalments or sinking fund payments in respect of moneys borrowed by the Corporation for the purposes of the water undertaking under any Act or Order previous to the Act of 1896.

Eighthly—In providing the required appropriations instalments or sinking fund payments in respect of moneys borrowed by the Corporation under the powers of the Act of 1896.

Ninthly—In providing the required appropriations instalments or sinking fund payments in respect of moneys borrowed by the Corporation for the

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purposes of the water undertaking under any Act Order or sanction passed or granted after the Act of 1896. A.D. 1923.
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Tenthly—In making good (if the Corporation think fit) any deficiency in the revenue account of the water undertaking incurred in any financial year ending after the thirty-first day of March one thousand nine hundred and twenty-three and in repaying to the district fund any sum of money provided from that fund for the purpose of meeting any such deficiency.

Eleventhly—In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from the water undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the water undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Corporation shall apply any balance of such revenue remaining in any year (in excess of a carry forward of one thousand pounds) in reducing the price of water to consumers :

And any deficiency in such revenue shall in the first instance and subject to repayment as hereinbefore provided be made good out of the district fund and general district rate.

93.—(1) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings hereinafter mentioned in the construction extension and improvement of the works and conveniences for the purposes of such undertaking and in the provision of funds for working capital : Application
of revenues
of certain
under-
takings.

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Provided that money shall only be so applied after the working and establishment expenses of the undertaking and the interest and sinking fund payments in respect thereof have been provided for.

(2) The undertakings hereinbefore referred to are the electricity and markets undertakings of the Corporation.

Power to grant gratuities in certain cases.

94.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 or the School Teachers' (Superannuation) Act 1918 grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

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

(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who is not entitled to a gratuity under the School Teachers (Superannuation) Act 1918 and who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not so provided) or permanently and exclusively employed in any school college or hostel provided by the Corporation as the local education authority for the purposes of higher education.

PART X.

MISCELLANEOUS.

Provision of entertainments at Harvey Institute.

95.—(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions and amusements in any portion of the Harvey Institute set apart for those purposes.

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(2) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of and refreshments at any concert entertainment exhibition or performance given in pursuance of this section and may make byelaws for securing good and orderly conduct thereat. A.D. 1923.

(3) The Corporation may pay or contribute towards the cost of providing and maintaining in the borough and in newspapers published in the borough advertisements of any such concert entertainment exhibition or performance as aforesaid.

(4) All expenses incurred by the Corporation under the provisions of this section shall be paid out of the borough fund and borough rate and all moneys received by them thereunder shall be carried to the credit of the borough fund. Provided always that the net amount of any payments or contributions made by the Corporation under the provisions of this section after deducting any moneys received by them thereunder shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on property in the borough assessable in that year to the borough rate.

96. The Corporation may from any first day of October to any first day of May close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes free from any restriction contained in the Baths and Washhouses Acts 1846 to 1899 or any Act amending the same. Use of swimming baths in winter.

97.—(1) Any swimming bath of the Corporation when closed under the provisions of section 5 (Powers to close swimming baths for a limited period) of the Baths and Washhouses Act 1878 and any portion thereof may although a licence is granted in respect thereof for music or dancing be let otherwise than occasionally and money for admission thereto may be taken at the doors. Use of baths for music and dancing.

(2) The proviso (b) to section 2 of the Baths and Washhouses Act 1899 shall cease to apply to any bath of the Corporation.

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—
Provision
of public
slaughter-
houses and
prohibition
of private
slaughter-
houses
thereafter.

98.—(1) At any time after the passing of this Act the Corporation may:—

(a) Acquire by agreement any premises within the borough used for the purpose of slaughtering cattle (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee or occupier of such premises;

(b) Agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

(2) The owner lessee or occupier of any slaughter-house may from time to time apply to the Corporation for their approval to such slaughter-house being continued to be used for the purpose of slaughtering cattle and the Corporation may approve of such slaughter-house for such period and on such terms or conditions as may be reasonable in the circumstances. Before deciding to withhold such approval the Corporation shall consider representations from and if desired grant an interview to representatives of the National Federation of Meat Traders' Associations (Incorporated).

* (3) The owner lessee or occupier of any slaughter-house approved as aforesaid may subject to the terms of such approval and in the case of any lessee or occupier to the terms of the lease or agreement under which he holds his slaughter-house allow the same to be used by any other person for the slaughtering of cattle therein.

(4) At any time after the expiration of three years from the passing of this Act and after the Corporation have provided or approved adequate slaughter-houses in convenient positions (to the satisfaction of the Ministry of Health) and after the expiration of six months from the date of publication by the Corporation in a local newspaper circulating in the borough of notice to that effect no person shall without the consent in writing of the Corporation slaughter in the way of trade any cattle within the borough except in slaughter-houses provided or approved by the Corporation but this restriction shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle belonging to him and not slaughtered for the purpose of trade or by a farmer on premises occupied by him for

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agricultural purposes only and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds. A.D. 1923.

(5) The Corporation shall pay or tender compensation to the owner or occupier of any slaughter-house registered prior to the passing of the Public Health Act 1875 and of any slaughter-house the licence in respect of which is not required to be renewed periodically and closed under the provisions of this section and the amount of such compensation shall in case of difference be settled as cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in respect of the closing of such slaughter-house.

(6) The fees and charges to be demanded and received by the Corporation in respect of the use of any slaughter-house provided by them or of any convenience connected therewith shall be regulated by byelaws to be approved by the Minister of Health and the Corporation may make byelaws accordingly provided that the Corporation shall have power to charge for any slaughter-house let at a weekly monthly or other rent such sum as may be agreed upon by the Corporation and the renters.

(7) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or licence of the Minister of Agriculture and Fisheries made or granted thereunder.

99. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of any Part other than Part VII. (Traffic) of this Act. General provisions as to bye-laws.

100. Any person who shall commit any breach of any term or condition lawfully attached by the Corporation to the granting by them of any consent under this or any other Act in force within the borough for the execution of any work or the doing of any act or thing shall be liable to the same penalty and other As to breach of conditions of consent of Corporation.

[Ch. lxxxix.] *Barnsley Corporation* [13 & 14 GEO. 5.]
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A.D. 1923. — consequences as if he had executed the work or done the act or thing without the required consent.

Application of further sections of Act of 1914.

101. The following provisions of the Act of 1914 so far as the same are applicable in that behalf shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those sections were re-enacted in this Act namely :—

- Section 46 (In executing works for owner Corporation liable for negligence only);
- Section 47 (Application of section 265 of Public Health Act 1875);
- Section 48 (Informations by whom to be laid);
- Section 49 (Evidence of appointments authority &c.);
- Section 50 (Recovery of penalties &c.);
- Section 51 (Inquiries by Local Government Board);
- Section 52 (Authentication and service of notices &c.):

Provided that for the purposes of this Act subsection (2) of section 51 of the Act of 1914 shall be read and have effect as if in lieu of the words " three guineas " the words " five guineas " had been inserted therein.

Compensation how to be determined.

102. 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.

Consents of Corporation to be in writing.

103. All consents given by the Corporation under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Damages and charges to be settled by court.

104. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and

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determined by the court before whom any offender is convicted. A.D. 1923.

105. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

106. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part V. (Streets buildings sewers and drains) and Part VI. (Sanitary and infectious diseases) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work. Penalty on occupier refusing execution of Act.

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

108. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part V. (Streets buildings sewers and drains) and Part VI. (Sanitary and infectious diseases) of this Act and the section of this As to appeals.

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A.D. 1923. — Act of which the marginal note is “Provision of public slaughter-houses and prohibition of private slaughter-houses thereafter” or by any conviction or order by a court of summary jurisdiction under the said provisions may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Powers of Act cumulative.

109. 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 or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be 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 a continuing offence) for the commission of the same offence.

Saving for indictments &c.

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

Judges not disqualified.

111. 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 any rate.

Crown rights.

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

Costs of Act.

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

The SCHEDULES referred to in the
foregoing Act.

A.D. 1923.

FIRST SCHEDULE.

ACTS AND ORDERS RELATING TO THE BOROUGH.

- | | | |
|-------------------------------|-----|---|
| 3 Geo. 4. c. xxv. ... | ... | "An Act for lighting paving cleansing watching and improving the Town of Barnsley in the West Riding of the County of York." |
| 16 & 17 Vict. c. cvii. ... | ... | Barnsley Waterworks Act 1853. |
| 25 Vict. c. xxxii. ... | ... | The Barnsley Local Board Act 1862. |
| 29 & 30 Vict. c. xxviii. ... | ... | The Barnsley Local Board Amendment Act 1866. |
| 43 & 44 Vict. c. lxxxiii. ... | ... | The two Orders relating to the borough of Barnsley scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (Alnwick Union &c.) Act 1880. |
| 47 & 48 Vict. c. ccxiv. ... | ... | The Order relating to the Borough of Barnsley scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1884. |
| 53 & 54 Vict. c. clxxxix.... | ... | The Barnsley Electric Lighting Order 1890 scheduled to and confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1890. |
| 56 & 57 Vict. c. cxv. ... | ... | The Order relating to the borough of Barnsley scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1893. |
| 59 & 60 Vict. c. lii. ... | ... | The Barnsley Corporation (Water) Act 1896. |
| 59 & 60 Vict. c. cxc. ... | ... | The Sheffield Corporation Water Act 1896 so far as the same relates to the construction of the Knoll Brook Waterworks. |

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A.D. 1923.	63 & 64 Vict. c. clv.	...	The Barnsley Corporation (Water) Act 1900.
	2 Edw. 7. c. lxxxii.	...	The Barnsley Order 1902 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1902.
	7 Edw. 7. c. cli.	The Barnsley Order 1907 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 1) Act 1907.
	2 & 3 Geo. 5. c. cxxxviii.	...	The County Borough of Barnsley Order 1912 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1912.
	4 & 5 Geo. 5. c. xli.	...	The Barnsley Corporation Act 1914.
	7th April 1921	Special Acts (Extension of Time) Act 1915 Order of Ministry of Health extending time for construction of Knoll Brook Works.
	11 & 12 Geo. 5. c. cii.	...	The Barnsley (Extension) Order 1921 scheduled to and confirmed by the Ministry of Health Provisional Orders Confirmation (Barnsley Extension) Act 1921.

SECOND SCHEDULE.

AGREEMENTS AMENDED BY SECTION 35.

10th May 1895	}	Made between the Corporation and the rural district of Hemsworth.
12th February 1896		
20th June 1901		
27th March 1902		
21st May 1903		
31st December 1903		
13th May 1896	...	Made between the Corporation and the council of the urban district of Gunthwaite and Ingbirchworth.

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THIRD SCHEDULE.
(Referred to in Section 52.)

DESCRIPTION OF PROPERTIES OF WHICH PORTIONS
ONLY MAY BE ACQUIRED BY THE CORPORATION.

Urban District or Rural District.	Parish.	Numbers on deposited plans.
Urban district of Gunthwaite and Ingbirchworth.	Ingbirchworth -	31 36 37 38 39 and 40.
Urban district of Hoylandswaine -	Hoylandswaine	37 and 49.
Rural district of Penistone - -	Silkstone -	2 3 18 and 20.
Urban district of Dodworth -	Dodworth -	1 and 16.

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