



## CHAPTER xxxiii.

An Act to consolidate the rates of the borough of Harrogate and for other purposes. A.D. 1924.

[14th July 1924.]

**W**HEREAS the borough of Harrogate is under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") who acting by the council are the council of the urban district which comprises the borough :

And whereas it is expedient to provide for the consolidation of the rates levied in the area of the borough :

And whereas it is expedient to provide for the formation of a consolidated loans fund by the Corporation and to make further provision with regard to the finances of the Corporation and the application of revenue derived from their several undertakings :

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

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

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 :

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

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A.D. 1924. Parliament assembled and by the authority of the same  
— as follows :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the *Harrogate Corporation Act 1924*.

Division of Act into Parts. 2. This Act is divided into Parts as follows :—  
Part I.—Preliminary.  
Part II.—Rating.  
Part III.—Finance.  
Part IV.—Miscellaneous.

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

- (a) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement;
- (b) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands).

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

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

“The borough” means the borough of Harrogate;

“The council” means the council of the borough;

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



“The town clerk” and “the treasurer” mean respectively the town clerk and the treasurer of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices; A.D. 1924.

“The parish” means the parish of Harrogate;

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

“The poor rate” means the poor rate for the parish;

“Statutory security” “statutory borrowing power” and “revenues of the Corporation” have the meanings assigned to them respectively by section 2 (Interpretation) of the Act of 1911;

“The Act of 1901” and “the Act of 1911” mean respectively the Harrogate Water Act 1901 and the Harrogate Corporation Water Act 1911;

“The water undertaking” “the electricity undertaking” and “the markets undertaking” mean respectively the water undertaking of the Corporation the electricity undertaking of the Corporation and the markets undertaking of the Corporation;

“The wells and baths undertaking” means the wells and baths undertaking of the Corporation and includes the Royal Hall undertaking of the Corporation as hitherto carried on by them.

## PART II.

### RATING.

5. This Part of this Act shall come into operation as from the thirty-first day of March nineteen hundred and twenty-five. Commencement of this Part of Act.

6.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund or general district rate shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the All expenses of Corporation to be paid out of borough fund.

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borough rate and in any case for which no specific provision is made in this Part of this Act any reference to the district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate.

(2) The district fund shall be closed and any balance standing to the credit or to the debit of the district fund or the general district rate respectively shall be transferred to the credit or the debit (as the case may be) of the borough fund but any moneys owing to the Corporation in respect of or in connection with the district fund or the general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

(3) The Corporation may make and levy any borough rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

Contri-  
bution to  
borough  
rate to be  
paid out of  
poor rate,

7. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall (subject to the provisions of this Part of this Act) apply to the said contribution.

Poor rate  
to be called  
general rate.

8. The poor rate (inclusive of the contributions to the borough fund levied as part thereof in pursuance of the provisions of this Act) shall be called "the general rate" but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

Differential  
rating for  
certain  
classes of  
heredita-  
ments.

9. The provisions contained in this section shall have effect with respect to the general rate to be made and levied by the overseers (that is to say):—

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used



as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the general rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of fifty-seven per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section less the discount from time to time allowed in pursuance of the section of this Act whereof the marginal note is "Discount on general rate":

- (2) During the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say):—

"The owner of tithe rentcharge attached to a benefice shall be liable to pay only five-eighths of the amount payable under subsection (1) of the section of the Harrogate Corporation Act 1924 whereof the marginal note is "Differential rating for certain classes of hereditaments" in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining three-eighths thereof shall on demand being made by the collector of the rate on the inspector of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of estate duty grant":

- (3) (a) During the continuance of the Agricultural Rates Acts 1896 and 1923 the occupier of any agricultural land as defined in the Agricultural Rates Act 1896 shall be liable to pay in each year in respect of such land a rate calculated

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on the basis of one-fourth only (instead of fifty-seven per centum) of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section;

(b) On the expiration of the Agricultural Rates Act 1923 the words "thirty-five per centum" shall during the continuance of the Agricultural Rates Act 1896 be substituted for the words "one-fourth" in paragraph (a) of this subsection:

(4) Nothing in this section shall in any way affect—

(a) The share of the annual grant payable under the Agricultural Rates Act 1896 to any spending authority or save as expressly provided in this Act the operation of that Act; or

(b) The operation of the Agricultural Rates Act 1923 or the power of the Minister of Health to estimate as respects each half year after the commencement of this Part of this Act the amount of the deficiency which would have arisen by reason of section 1 of that Act if this Act had not been passed in the produce of any rate for the purpose of the issue from the local taxation account of the share of any spending authority in the additional annual grant under the Agricultural Rates Act 1923;

(c) The operation of the Ecclesiastical Tithe Rentcharges (Rates) Acts 1920 and 1922; or

(d) The amount of the contribution for any purposes to be made by the parish out of the poor rate:

(5) (a) If any occupier referred to in subsection (1) of this section claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days' notice in writing of such appeal and of the



ground thereof be given by the appellant to the Corporation and the overseers; A.D. 1924.

(b) On appeals under this section the court to which such appeal shall be made shall have power to determine the amount payable by the occupier in respect of such rate and to award costs between the parties to the appeal.

10. The following provisions shall have effect in the application of the Poor Rate Assessment and Collection Act 1869 (in this section hereinafter called "the said Act") within the borough and the parish:—

Application  
of Poor Rate  
Assessment  
and  
Collection  
Act 1869.

(1) The Corporation shall be substituted for and have all the powers of the vestry in and in relation to the provisions of the said Act:

(2) The following section shall be substituted for section 3 of the said Act namely:—

"If the owner of any hereditament the rateable value of which does not exceed ten pounds or of any premises which are let in separate apartments or of which the rents are collected weekly is willing to enter into an agreement in writing with the overseers to become liable to them for the general rate assessed in respect of such hereditament or premises for any term not being less than one year from the date of such agreement and to pay the general rate where the hereditament or premises is or are occupied or not the overseers may agree with the owner to receive the general rates from him and to allow to him a commission of such amount not exceeding twenty per centum per annum on the amount thereof as the Corporation may from time to time determine":

(3) Section 4 of the said Act shall be read and have effect as if the words "all or any of the classes of hereditaments or premises referred to in subsection (2) of the section of the Harrogate Corporation Act 1924 of which the marginal note is 'Application of Poor Rate Assessment and Collection Act 1869'" were inserted therein instead of the words "all rateable hereditaments to which section 3 of this Act extends":

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- (4) The abatement and deduction and the further abatement and deduction which may be allowed under section 4 of the said Act of fifteen per centum and fifteen per centum respectively may be of such amounts not exceeding ten per centum and ten per centum respectively as the Corporation may from time to time determine :
- (5) The amount of such commission or abatement and deduction as aforesaid which may be from time to time allowed as aforesaid may vary according to the rateable value of the hereditament or premises to which for the time being it shall be determined by the Corporation to apply provided that such amount shall be the same for the time being in the case of all hereditaments and premises for the time being of a like rateable value :
- (6) Notwithstanding anything in this Part of this Act contained the provisions of this section shall come into operation on the passing of this Act but so that any resolution thereafter passed by the Corporation under the said provisions and any agreement with or notice by any owner thereafter made or given under either of the said sections 3 and 4 of the said Act shall not take effect until after the commencement of this Part of this Act and any agreement with or notice given by any owner under either of the said sections in force at the passing of this Act shall be and the same are hereby determined on and from the commencement of this Part of this Act.

Certain sections of Public Health Act 1875 to apply.

**11.** Section 220 (Description of owner or occupier) and section 221 (Rates may be amended) of the Public Health Act 1875 shall apply to the borough in respect of the general rate as if the overseers were an urban authority and the rate therein mentioned were the general rate and the said section 221 shall extend to enable the overseers to amend any rate made by them in pursuance of this Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.



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**12.** The overseers if so required by the Corporation shall in pursuance of the provisions of section 15 (Overseers may make poor rate payable by instalments) of the Poor Rate Assessment and Collection Act 1869 declare that any general rate made by them for a period exceeding three months shall be paid by instalments at such times as shall have been previously specified by the Corporation.

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—  
Payment  
of general  
rate by  
instalments.

**13.** The provisions of section 267 of the Public Health Act 1875 shall apply to demand notes for the general rate.

Service  
of rate  
demands  
by post.

**14.—(1)** The Corporation may from time to time if they think fit direct the overseers to make an allowance by way of discount not exceeding five per centum on the amount due in respect of any general rate or any instalment thereof from every person who pays the same within such time after demand of the rate or after the date when any instalment falls due as the case may be as the Corporation shall prescribe and in any such case the overseers shall make such allowance accordingly.

Discount  
on general  
rate.

(2) Provided that the same rate of discount shall be allowed to every ratepayer in similar circumstances.

(3) Provided also that notice of this enactment shall be endorsed on every demand note for rates.

**15.—(1)** Any water rate or charge payable to the Corporation may be collected together with the general rate and the same books may be used for the said rate and charge and the general rate.

Water rate  
may be  
collected  
with general  
rate.

(2) The general rate and the demand note and any other necessary documents to be used for the purposes of or in connexion with the general rate and water rate or charge shall be in such form as the Minister of Health may from time to time prescribe.

(3) The Corporation may demand water rates and charges by half yearly instalments in advance on the twenty-fifth day of March and the twenty-ninth day of September in each year but so that the same shall not be recoverable until the expiration of two months from the said twenty-fifth day of March and twenty-ninth day of September respectively.

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As to  
section 133  
of Lands  
Clauses  
Consolida-  
tion Act  
1845.

As to  
recovery  
of general  
rate.

16. For the purpose of section 133 (Until completion of works promoters shall make good any deficiency of land tax and poor's rate caused by lands being taken) of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be three-sevenths of the amount in the pound of the general rate.

17. No warrant of commitment in respect of non-payment of the general rate shall be issued against any person who shall satisfy the court that his failure to pay the said rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the said rate.

PART III.

FINANCE.

Power to  
borrow.

18.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for paying the costs charges and expenses of this Act the sum or sums requisite for the purpose and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the borough fund and borough rate and they shall pay off all moneys so borrowed within the period of five years from the passing of this Act (which period for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall be "the prescribed period").

(2) (a) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act;

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby;

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister of Health.

(3) The provisions of this section prescribing the revenue fund or rate which may be mortgaged or charged



shall not limit the powers conferred upon the Corporation by section 13 (Power to use one form of mortgage for all purposes) of the Act of 1911. A.D. 1924. —

**19.**—(1) The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Mode of raising money.

(2) Provided that the provisions of or incorporated with this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) of that Act.

**20.** All money borrowed under the provisions of this Act shall be applied only to the purposes for which it is authorized to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable. Application of money borrowed.

**21.** The following provisions of the Act of 1901 and the Act of 1911 shall with all necessary modifications extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act namely :— Application of provisions of Acts of 1901 and 1911.

THE ACT OF 1901.

- Section 42 Provisions as to mortgages;
- Section 44 Mode of payment off of money borrowed;
- Section 45 Sinking fund;
- Section 47 Protection of lender from inquiry;
- Section 48 Corporation not to regard trusts;
- Section 51 Inquiries by Local Government Board;
- Section 52 Audit of accounts.

THE ACT OF 1911.

- Section 9 (3) Power to borrow;
- Section 16 Expenses of execution of Act.

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Provided that in its application to the purposes of this Act the said section 51 of the Act of 1901 shall be read and have effect as if the words "five guineas" were substituted therein for the words "three guineas."

Rate of accumulation of payments to sinking fund.

**22.** Notwithstanding anything contained in this Act or in any Acts or regulations governing the same the rate of accumulation of the annual payments to any accumulating sinking fund which has been or may be formed by the Corporation for any purpose shall be such rate not exceeding (except with the approval of the Minister of Health) three pounds ten shillings per centum per annum as the Corporation may determine.

Return to Minister of Health with respect to repayment of debt.

**23.—**(1) The treasurer shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation in pursuance of any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the treasurer or other officer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made



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shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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(4) The following enactments are hereby repealed (namely):—

- (a) Section 80 (Annual return to Local Government Board with respect to sinking fund) of the Harrogate Corporation Act 1893;
- (b) Section 53 (Annual return to Local Government Board) of the Harrogate Corporation (Waterworks Transfer) Act 1897;
- (c) Section 49 (Return respecting sinking fund to Local Government Board) of the Act of 1901;
- (d) Section 96 (Return respecting sinking fund to Local Government Board) of the Harrogate Corporation Act 1901;
- (e) Section 15 (Return to Local Government Board as to sinking funds) of the Act of 1911;
- (f) So much of any enactment relating to the Corporation or the borough as extends or applies to or for the purposes of such enactment the provisions of the sections referred to in paragraphs (A) to (E) inclusive of this subsection.

24.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March nineteen hundred and twenty-five the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid as and when they are received:—

Consolidated loans fund.

- (a) All moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and

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(c) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt; and there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the date as from which the consolidated loans fund is established.

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

(a) In the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation; and

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

and the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the interest arising from the investments thereof shall not except with the consent of the Minister of Health be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation except in



accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

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**25.** If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Receipt in case of persons not sui juris.

**26.**—(1) Every deed of transfer of any mortgage of the Corporation shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

Provisions as to transfers of mortgages.

(2) The deed of transfer when duly executed and stamped shall be delivered to and kept by the Corporation and the Corporation shall enter a memorial thereof in the appropriate register of the Corporation and shall endorse a notice of that entry on the deed of transfer and also on the transferred mortgage.

(3) Until the deed of transfer has been so delivered to the Corporation the Corporation shall not be affected thereby and the transferee of the mortgage shall not be entitled to receive any interest thereon or to repayment thereof.

(4) The Corporation before allowing any transfer of any mortgage may if the circumstances of the case appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(5) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation may require.

(6) It shall not be obligatory on the Corporation or the treasurer to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any mortgage except upon the production to and temporary deposit with the treasurer of the mortgage for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new mortgage and in the case of the issue of a new mortgage for the purpose of cancellation of the mortgage so deposited.

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Interest on  
mortgages  
held jointly.

27. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Application  
of revenue  
and pay-  
ment of  
expenses  
of under-  
takings.

28.—(1) Notwithstanding anything contained in any previous enactment all money received by the Corporation on account of the revenue of the following undertakings (namely) :—

- (a) the water undertaking;
- (b) the electricity undertaking;
- (c) the wells and baths undertaking;
- (d) the markets undertaking;

shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

(2) Any moneys which the Corporation are required or authorised to pay or apply under the following enactments (namely) :—

Article 17 of the Order relating to the borough which was confirmed by the Local Government Act 1868 (No. 6);

Section 56 (Application of water revenue) of the Harrogate Corporation (Waterworks Transfer) Act 1897;

Section 52 (Application of revenue) of the Harrogate Electric Lighting Order 1891;

So much of section 2 (Incorporation of Electric Lighting (Clauses) Act 1899) of the Harrogate Electric Lighting Order 1915 as incorporates section 7 of the schedule to the Electric Lighting (Clauses) Act 1899;

Subsection (3) of this section;

shall for the purposes of subsection (1) of this section be deemed to be payments and expenses made and incurred in respect of the undertaking to which the said enactments respectively relate and any income arising from the investment of any reserve funds authorised under the said enactments shall be deemed to be money received on account of the revenue of the undertaking to which the said enactments respectively relate.



(3) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings referred to in subsection (1) of this section in the provision of funds for working capital. 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. A.D. 1924.

**29.**—(1) The Corporation shall keep separate accounts in respect of each of the following undertakings distinguishing therein capital from revenue (namely):— Separate accounts to be kept.

- (a) the water undertaking;
- (b) the electricity undertaking;
- (c) the wells and baths undertaking (other than the Royal Hall undertaking);
- (d) the Royal Hall undertaking (being part of the wells and baths undertaking);
- (e) the markets undertaking.

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

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

#### PART IV.

##### MISCELLANEOUS.

**30.**—(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 for purposes for which the Corporation have power to acquire 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 Further powers for the acquisition of lands.

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A.D. 1924. 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 :

Provided that any contract so entered into in respect of which the Corporation propose to borrow money exceeding in amount the sum of five thousand pounds shall be provisional until the consent of the said Minister shall have been given to the borrowing of money in respect thereof and shall only become binding if and when such consent shall have been given.

(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.

(4) 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 section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being 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; or

(b) in such other manner as may be approved by the Minister of Health.



**31.**—(1) Notwithstanding anything in any other Act or Acts or otherwise 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 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 1923) 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.

A.D. 1924.  
—  
Retention  
and  
disposal  
of lands.

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

**32.**—(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 (other than lands acquired under the section of this Act of which the marginal note is "Further powers for the acquisition of lands") in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other enactment relating to the Corporation 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 acquired under any Act other than this Act shall be

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Act, 1924.

A.D. 1924. 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.

Authentica-  
tion and  
service of  
notices &c.

**33.**—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Evidence of  
appoint-  
ments  
authority  
&c.

**34.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Recovery of  
demands.

**35.** 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



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*Act, 1924.*

matter provided that the demand does not exceed the amount recoverable in that court in a personal action. A.D. 1924.

**36.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough. Informations by whom to be laid.

**37.** Where the payment of more than one sum by any person is due under any Act or Order for the time being in force in the borough any summons or warrant issued for the purposes of such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Summons or warrant may contain several sums.

**38.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein. Application of section 265 of Public Health Act 1875.

**39.** 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 or out of money to be borrowed for that purpose. Costs of Act.

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