



CHAPTER Iv.

An Act to empower the mayor aldermen and burgesses of the borough of Morecambe to construct promenades street improvements and works to make further and better provision for the health local government and improvement of the borough to commute the annual corn rent payable to the vicar of Lancaster by the inhabitants of the borough to consolidate the rates of the borough and for other purposes. A.D. 1924.

[1st August 1924.]

WHEREAS the borough of Morecambe (in this Act called "the borough") is under the local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas it is expedient for the improvement and development of the sea front and to prevent the encroachment of the sea to empower the Corporation to construct the promenades street improvements and works in this Act referred to:

And whereas by an Act of the fifth year of George the Fourth chapter 28 intituled "An Act to commute for a Corn Rent certain Tithes and Dues payable to the Vicar of the Parish of Lancaster in the County of Lancaster" (hereinafter called "the Tithe Act") it was provided that an annual corn rent should be raised in the manner in that Act provided and paid to the vicar of the parish of Lancaster for the time being and that

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the then township of Poulton Bare and Torrisholme which is now the borough should raise the annual sum of eighty-five pounds towards such annual corn rent together with all reasonable expenses attending the same :

And whereas difficulties have arisen with respect to the appointment of collectors as by the Tithe Act provided and the expenses incurred in carrying out the provisions of the said Act are unduly heavy and burdensome :

And whereas it is expedient that the said annual corn rent be commuted by the payment of a lump sum the amount of which has been agreed subject to confirmation by Parliament and that provisions should be made for the recovery from persons rated to the poor rate in the said borough of the annual amount necessary to provide the interest upon and the fund for repayment of the said lump sum to be paid in commutation :

And whereas it is expedient to empower the Corporation to acquire or appropriate further lands in the borough for pleasure or recreation grounds and other purposes and it is also expedient to authorise them to erect a town hall concert halls and other buildings and to provide and arrange for the provision of entertainments and to enact further provisions with regard to the parks and recreation grounds of the Corporation and the seashore of the borough :

And whereas it is expedient to confer powers upon the Corporation with reference to the provision of Turkish seawater freshwater and other baths bathing pools and marine lakes in the borough :

And whereas it is expedient that further powers should be made in regard to the health local government and improvement of the borough as by this Act provided :

And whereas it is expedient to provide that the parish or township of Poulton Bare and Torrisholme should in future be described as the parish of Morecambe and to constitute the council of the borough the overseers of such parish and to make provision for the consolidation and collection of the rates levied in the borough :

And whereas it is expedient to provide that the loans to the Corporation may be treated as a consolidated loans fund available for the exercise of any duty

authorised borrowing powers of the Corporation and that the security given to lenders shall in all cases be the same : A.D. 1924.

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 estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

For the construction of the promenades street improvements and works by this Act authorised	£ 90,000
For the construction of a town hall and other buildings by this Act authorised	20,000
For the construction of sea walls marine lakes baths bathing pools and works on the seashore by this Act authorised	30,000
For the construction of parks recreation grounds golf courses lawn tennis courts croquet lawns bowling greens and grounds for games by this Act authorised	10,000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should 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 and levels of the promenades street improvements and works authorised by this Act and plans of the lands required or which may be taken appropriated used and held for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county palatine of Lancaster which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Morecambe Corporation Act 1924.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Promenades street improvements and works.

Part IV.—Streets buildings sewers drains &c.

Part V.—Infectious disease and sanitary provisions.

Part VI.—Food.

Part VII.—Corn rent of vicar of Lancaster.

Part VIII.—Town hall public buildings baths parks &c.

Part IX.—Vehicles police &c.

Part X.—Rating.

Part XI.—Finance.

Part XII.—Miscellaneous.

Incorporation of general Acts.

3. The Lands Clauses Acts (so far as they are applicable to the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act except section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands):

Provided that 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.

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 Morecambe;

“ The borough ” means the borough of Morecambe;

“ The council ” means the council of the borough;

“ The parish ” means the parish or township of Poulton Bare and Torrisholme as constituted at the commencement of this Act;

“ The overseers ” means the council as overseers of the parish;

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

“ The consolidated rate ” means the poor rate as by this Act authorised to be levied and collected;

“ The town clerk ” “ the treasurer ” “ the surveyor ” “ the medical officer ” “ the school medical officer ” and “ the sanitary inspector ” mean respectively the town clerk the treasurer the surveyor the medical officer of health the school medical officer of the borough and any sanitary inspector appointed by the Corporation in pursuance of the powers of any public Act and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officers;

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

“ The electricity undertaking ” means the electricity undertaking of the Corporation as from time to time authorised;

“ The gas undertaking ” means the gas undertaking of the Corporation as for the time being authorised;

“ The tramways undertaking ” means the tramways undertaking of the Corporation as for the time being authorised;

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- “ The entertainments undertaking ” includes all lands properties buildings apparatus appliances manorial and other rights franchises powers authorities and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to or in connection with public halls concert halls baths bathing pools marine lakes parks golf courses recreation grounds booths tents bathing huts stalls stands shelters seats chairs and other articles;
- “ The seashore ” means and includes the seashore foreshore and all the beach and sands within the borough;
- “ Daily penalty ” means a penalty for each day on which any offence is continued by a person after conviction;
- “ 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;
- “ Food ” includes every article other than water used for food or drink by man;
- “ Hackney carriage ” and “ omnibus ” shall have the same respective meanings as those assigned to these expressions by section 38 of the Town Police Clauses Act 1847 and section 3 of the Town Police Clauses Act 1889 respectively;
- “ The Act of 1900 ” means the Morecambe Urban District Council (Gas) Act 1900;
- “ The Act of 1918 ” means the Morecambe Corporation Act 1918;
- “ The tribunal ” means the tribunal to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- “ 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 or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

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“ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“ Principal moneys ” means any moneys borrowed or to be borrowed by the Corporation under any statutory borrowing power (including borrowing powers under this Act) and not raised by the issue of stock;

“ Revenues of the Corporation ” includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation.

PART II.

LANDS.

5. Subject to the provisions of this Act the Corporation may enter upon take appropriate use and hold all or any of such of the lands delineated on the

Power to
take
lands.

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A.D. 1924. — deposited plans and described in the deposited book of reference as they may require for the purposes of the promenades street improvements and works by this Act authorised.

Period for compulsory purchase of lands.

6. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Correction of errors in deposited plans and book of reference.

7. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the borough for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county palatine of Lancaster and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Compensation in case of recently acquired interest.

8. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal 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 seventeenth day of November one thousand nine hundred and twenty-three if in the opinion of the tribunal 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.

9.—(1) The Corporation may in lieu of acquiring any lands for the purposes of this Act acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements describing the nature thereof and the rights which the Corporation require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act 1919 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.

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Acquisition
of ease-
ments.

(2) As regards any lands in respect of which the Corporation shall have acquired easements or rights 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 or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement or right 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 shall have given notice to treat for an easement or right or to impose any such restriction only.

(4) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction shall either contain or be endorsed with notice of this provision.

10. 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

Persons
under
disability
may grant
easements
&c.

A.D. 1924. — 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.

Further powers for the acquisition of lands.

11.—(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 Provided that no moneys (other than those so temporarily borrowed as aforesaid) shall be borrowed by the Corporation for the purposes of this section except with the consent of the Minister of Health and that any contract so entered into in respect of which the Corporation propose to borrow money with such consent as aforesaid 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—

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- (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.

12. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit 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 in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any other local Act for the time being in force in the borough 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.

Power to retain sell &c. lands.

13.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired 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 under any other powers and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act

Proceeds of sale of surplus lands.

A.D. 1924. — or any other Act under which such loans have been raised except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that—

(a) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase;

(b) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Any capital moneys received by the Corporation under the section of this Act of which the marginal note is "Power to retain sell &c. lands" on the re-sale or exchange of or by leasing any lands acquired under any local 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.

The provisions of this section shall not apply to lands acquired under the powers of the section of this Act of which the marginal note is "Further powers for the acquisition of lands."

PART III.

PROMENADES STREET IMPROVEMENTS AND WORKS.

Power to construct promenades street improvements and works.

14.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the promenades street improvements and works hereinafter referred to together with all necessary or proper works improvements junctions connections approaches embankments retaining walls sewers drains and conveniences connected therewith or incident thereto Provided that the Corporation shall provide as part of Work No. 2 and maintain for free use an additional slipway giving access from the promenade comprised in Work No. 2 to the seashore.

(2) The works hereinbefore referred to and authorised by this section will be situate in the borough and are:— A.D. 1924.

Work No. 1—A widening and improvement of the existing promenade public walks gardens and pleasure grounds (referred to in this Act as “the promenade”) and Marine Road on or adjoining the seashore and comprising sea wall and embankment commencing at the westerly boundary of the borough and terminating 1·13 chains or thereabouts on the easterly side of the centre line of the West End Pier.

Work No. 2—A widening and improvement of the promenade Marine Road and Victoria Esplanade on or adjoining the seashore and comprising sea wall and embankment commencing at a point 1·36 chains west of the centre line of the Central Pier and terminating at the junction of Thornton Road with Victoria Esplanade.

Work No. 3—A public highway or street on or adjoining the seashore and comprising a carriage drive footways sea wall and embankment commencing at the easterly terminus of Victoria Esplanade and terminating at the easterly boundary of the borough.

15.—(1) In the construction of the works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding three feet either upwards or downwards. Limits of deviation.

(2) Provided that no deviation either lateral or vertical shall be made below high-water mark without the consent in writing of the Board of Trade.

16.—(1) Subject to the provisions of this Act the Corporation may in connection with the promenades street improvements and works authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to such works and may make diversions widenings or Subsidiary works.

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alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer or gas or water main or pipe or wire or apparatus the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that the Corporation shall not alter divert or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of that Act.

Period for completion of works.

17. If Works Nos. 1 2 and 3 are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers granted by this Part of this Act for the making thereof shall cease except as to so much thereof respectively as shall then be completed.

Provided that the Corporation may reconstruct or renew any part of the said works.

PART IV.

STREETS BUILDINGS SEWERS DRAINS &C.

Continuation of existing street to be deemed new street.

18. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the borough be deemed to be a new street.

Power to define future line of existing streets.

19.—(1) (a) Where any street repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage on either side of such street or at or within a distance of fifteen yards from the corner of such street.

(b) The line which in any case the Corporation propose so to prescribe and define shall be distinctly

marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan 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. A.D. 1924.

(c) 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 except with the consent of the Corporation which may be given for such period and upon and subject to such terms and conditions as they may deem expedient.

(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 and such land when purchased shall vest in the Corporation as part of the street. 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 injury (if any) sustained by them to such land or building by reason of the Corporation requiring such line to be observed and kept.

(4) The amount of any compensation payable under subsection (2) or subsection (3) of this section shall in default of agreement be determined by arbitration in

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accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 and in estimating the amount of such compensation the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street shall be fairly estimated and shall be set off against the said compensation.

(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.

Width of
new streets.

20.—(1) Whenever application shall be made to the Corporation to approve the formation of a new street on any estate or lands it shall be lawful for the Corporation to require that the new street shall be formed of such width as the Corporation shall require:

Provided that in the event of the Corporation requiring any new street to be of any greater width than the following (hereinafter in this Act called "the prescribed width") namely:—

(a) In the case of a new street which in the opinion of the Corporation will form a main thoroughfare or a continuation of a main thoroughfare or means of communication between main thoroughfares in the borough or a continuation of a main approach or means of communication between main approaches to the borough sixty feet; or

(b) In the case of any other new street the width required for such street by any Act or byelaw for the time being in force within the borough;

the Corporation shall purchase from the owner of such estate or lands and such owner shall sell to the Corporation any additional land necessary to make such new street of such greater width as aforesaid and shall also make compensation to such owner for any loss or damage sustained by him by reason of the Corporation requiring the street to be of such greater width as aforesaid.

(2) The compensation payable by the Corporation in respect of any such additional land as aforesaid shall in default of agreement be a sum equal to the pro rata proportion of the amount which shall at the date on

which the Corporation require the new street to be of such greater width be the value of so much of the undeveloped land of the same owner as is or will be developed or improved by the intended works of street formation on the estate of which such additional land forms part.

(3) If by reason of the Corporation requiring any new street to be of any such greater width as aforesaid any land of any owner adjoining such new street will be or has become so reduced in area that it cannot having regard to the provisions of any Act or byelaw in force within the borough be used for building purposes and such owner shall within three months from the date of his receiving notice of such requirement give to the Corporation written notice so desiring the Corporation shall in lieu of paying such owner compensation as aforesaid purchase from such owner and such owner shall sell to the Corporation such reduced area of land and the compensation payable in respect of any such reduced area as aforesaid shall be the amount which shall be the value thereof at the date on which the Corporation require the new street to be of such greater width.

(4) The amount of any compensation payable under this section and any difference thereunder as to whether any land has become so reduced in area as aforesaid shall in default of agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 but in estimating the amount of any such compensation the benefit accruing to the property of which such additional land forms part by reason of the street being of such greater width shall be fairly estimated and set off against such compensation.

(5) Nothing contained in this section shall require an owner to incur any greater expense in the execution of any street works than he would have been required to incur if the new street had been of no greater width than the width required for such street under any byelaw for the time being in force within the borough and any additional expense incurred in the execution of street works by reason of the new street being of such greater width shall be borne by the Corporation.

21.—(1) When a road, footpath or way is about to become a new street within the meaning of the Public

Widening
of roads

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—
when only
one side
is built
upon.

Health Acts but the land on one side only of such street has been or is in course of being built on the Corporation may in any case in which they would be empowered to require the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the borough require such owner to widen such road footpath or way so as to give a width not less than one half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land.

(2) If and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Corporation. Provided that he shall not under this subsection be required to pull down any building erected before the passing of this Act.

Byelaws as
to inter-
secting
streets.

22. The power of the Corporation to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine. For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street.

Forecourts
to be fenced
off from
streets.

23.—(1) Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street.

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

Courts to
be flagged
and
drained.

24.—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall if so required by the Corporation flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same and

provide gullies and grids in suitable positions and at proper levels and keep such flagging asphaltting concreting or paving and drain gullies and grids in good repair.

(2) If such owner or owners shall for two months after notice in writing from the Corporation fail in any respect to comply with any requirement of the Corporation under the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may themselves if they think fit do the work and recover the expenses incurred by them in that behalf from such owner or owners.

25.—(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 and may recover the cost of so doing from the owner or occupier upon whom the notice was served.

Lopping of trees overhanging highways.

(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.

26. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or cinder in upon or under any street of such dimensions and in such positions as the Corporation may from time to time determine.

Street orderly bins.

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Height of
fences and
hedges at
street
corners.

27.—(1) For the purpose of facilitating traffic by removing obstructions to view the Corporation may give notice to the owner of any land situate at or within a distance of ten yards from the corner of any street or at or near any bend in any street prescribing the height of fences hoardings boundary walls hedges trees and shrubs at such corner or within such distance from the corner or bend as may be prescribed in the notice and thereupon the following provisions shall have effect :—

(a) Unless such notice is withdrawn by the Corporation no person shall erect a fence hoarding or wall or permit a hedge tree or shrub to grow at a greater height than that prescribed contrary to the requirements of the notice;

(b) If required by the Corporation the owner of such land shall reduce the height of any fence hoarding wall hedge tree or shrub which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

(2) Any person who contravenes the provisions of paragraph (a) of subsection (1) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may reduce the height of such fence hoarding wall hedge tree or shrub to the height prescribed by them and the expense incurred by the Corporation shall be repaid to them by the owner of the land.

(3) If any person for the period of one month after the service of a notice upon him by the Corporation of a requirement under paragraph (b) of subsection (1) of this section fails to comply therewith the Corporation may themselves carry out the requisition of their notice.

(4) The Corporation shall make compensation to the owner or other persons interested in any land for any loss or damage which he or they may sustain in consequence of the giving of any notice under this section but such compensation shall not include the expenses incurred by the Corporation and to be repaid to them under subsection (2) of this section and no compensation shall be paid a second time in consequence of the growth of any hedge tree or shrub above the height prescribed in the notice. 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. A.D. 1924.

(5) Any person aggrieved by any notice given by the Corporation under this section may appeal to a court of summary jurisdiction within one month after the service of such notice provided he gives 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 notice given by the Corporation under this section.

(6) The owner of the land shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any notice of the Corporation under this section.

28.—(1) Every notice board sign bracket or other projection which shall overhang any street shall be securely fixed and maintained by the owner thereof. As to projections over streets.

(2) If the Corporation have reason to believe that any such notice board sign bracket or other projection is not securely fixed they may enter upon the premises to which it is attached for the purpose of inspecting the same and the means by which it is attached.

(3) In the event of any such notice board sign bracket or other projection being insecurely fixed the Corporation may require the owner to fix the same securely within a period of seven days from the receipt of notice of such their requirement and in default of his so doing the Corporation may themselves carry out the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

29.—(1) The Corporation may with the consent of the owner of any building wall or bridge attach to that structure such brackets wires lamps and apparatus as may be required for lighting any street : Attachment of brackets &c. to buildings.

Provided that—

(a) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to

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allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid;

- (b) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be required to be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section;
- (c) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

(2) For the purposes of this section any occupier of a structure whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack-rent shall be deemed to be the owner.

As to
dangerous
buildings.

30.—(1) In any case where a building shall have been reported to the Corporation as dangerous to the inmates thereof or persons working therein or in the case of any building which may appear to the Corporation on the report of the surveyor to be dangerous to such inmates or persons the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk enter at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works shall be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the borough.

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31. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws with respect to the following matters (namely):—

Byelaws as to materials and construction of buildings &c.

- (1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act:
- (2) The uniting of buildings and the making and stopping-up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united:
- (3) The testing of drains of new buildings:
- (4) For securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost.

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

Erection of buildings to greater height than adjoining buildings.

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

As to erection of retaining walls.

33.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to restriction of air space.

34. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "space about buildings" had been inserted therein before the words "drainage of buildings" in subsection (2) of that section.

Means of escape from buildings in case of fire.

35.—(1) Every building erected after the passing of this Act exceeding two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling sleeping or employed in each upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) (a) From and after the first day of January one thousand nine hundred and twenty-five the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient means of escape from each upper storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(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' 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 award costs.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(3) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

(4) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirements of the Corporation under this section.

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(5) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(6) This section shall not apply to any premises to which sections 14 and 15 of the Factory and Workshop Act 1901 apply.

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

Food
storage
accommoda-
tion to be
provided.

36.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated pantry or other 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.

(2) (a) Every dwelling-house the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with a sufficient and properly ventilated pantry or other 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 give 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.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(3) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and

thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

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37. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws for securing the adequate lighting of buildings.

Extension of section 157 of Public Health Act 1875.

38.—(1) All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the door or entrance or the building wall or fence in a line and the elevation of the building wall or fence fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of six weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof.

Elevation of buildings erected on front lands to require approval.

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

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

39.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land. Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of

Adjustment of boundaries of streets.

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— one month four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this proviso.

(2) Any four inhabitant householders of the borough may appeal to a petty sessional court against any proposal of the Corporation as to an adjustment of the boundaries of a street under this section and on any such appeal the petty sessional 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 and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

Area of habitable rooms.

40. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Sanitary conveniences for workmen engaged on buildings.

41.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

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

Pipes from slopstones &c. to be disconnected from sewer.

42.—(1) The Corporation may require that the pipe from any sink trough slopstone bath or basin in a building erected before the passing of this Act shall be altered so as to conform with the byelaws for the time being in force with respect to the drainage of existing buildings.

(2) Any person neglecting or refusing for a period of twenty-eight days to comply with a notice from the Corporation requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings. A.D. 1924.

43.—(1) The soil pipe of any watercloset shall be properly ventilated and if the same be within a house or building by means of a pipe carried up therefrom not less than two feet above the eaves of the house or building and of any adjoining house or building or (subject to the provisions of section 37 (Water or stack pipe not to be used as ventilating shaft) of the Public Health Acts Amendment Act 1907) by such other method as the Corporation shall direct. Soil pipes to be ventilated.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

44.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section. Combined drains.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

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(3) Provided that the Corporation shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a petty sessional court provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof. On any such appeal the petty sessional court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

As to
houses
connected
with single
private
drain.

45.—(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 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 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.

Power to
require
specially

46. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main-

drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street or the lands draining thereto the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

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—
enlarged
sewer in
new street.

47. The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter re-lay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Power to
lay drains
in private
streets.

48. Where any person has been convicted of causing any drain to be constructed in contravention of section 25 of the Public Health Act 1875 the court may in addition to imposing a penalty under that section order that the drain be laid or relaid or amended or remade as the case may require in accordance with the provisions of that section and if such person shall not comply with the order within one month after the date thereof the Corporation may cause the drain in respect of which such conviction has been obtained to be laid relaid or amended or remade as the case may require and may recover from such person in a summary manner as a civil debt the expense incurred by them in so doing.

Power to
reconstruct
drain if laid
in contra-
vention of
Public
Health Act
1875.

49.—(1) It shall not be lawful for any person to repair any drain soil pipe or sink pipe communicating with any sewer of the Corporation without giving to the Corporation or to the medical officer or surveyor twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain or pipe without giving the like notice of his intention to do so.

Notice of
intention to
repair
drains &c.

(2) Free access to such drain or work of repair shall be afforded to the surveyor sanitary inspector or to any

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(3) Any person who offends against this section shall be liable to a penalty not exceeding five pounds.

As to defective drains &c.

50.—(1) In any case where it appears to the medical officer or surveyor or sanitary inspector that any drain watercloset or soil pipe is stopped up or otherwise defective the medical officer or sanitary inspector or surveyor shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirements contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

As to repair of private drains.

51. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit.

Water-courses to be culverted in certain cases.

52.—(1) If any watercourse or ditch situate upon any land laid out for building or on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner or owners

of such lands to substitute for such watercourse or ditch a pipe drain or culvert with all necessary gullies pipes and means of conveying surface water thereinto. Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partly belonging to any person other than the owner of the land so laid out for building. A.D. 1924.

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

53.—(1) It shall not be lawful to culvert cover over stop up obstruct or divert any stream or watercourse except in accordance with plans and sections to be submitted to and approved by the Corporation such approval not to be unreasonably withheld or delayed and any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings : Streams not to be covered over obstructed or diverted except in accordance with plans.

Provided that—

(a) No requirement of the Corporation in relation to such plans and sections shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted;

(b) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

A.D. 1924.

—
For pro-
tection of
Lancashire
County
Council.

54. The powers conferred by the sections of this Act of which the marginal notes are "Watercourses to be culverted in certain cases" and "Streams not to be covered over obstructed or diverted except in accordance with plans" shall not be exercised by the Corporation in regard to any stream watercourse or ditch which is from time to time situate within any drainage area as defined by the Lancashire County Council (Drainage) Act 1921 except with the approval of the county council of the county palatine of Lancaster which approval the Corporation shall obtain before giving any notices or approving any plans or sections under the said sections of this Act.

Improper
construction
or repair of
watercloset
or drain.

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

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

Prohibiting
entry of
petrol &c.
into sewers.

56.—(1) Every person who wilfully or negligently turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any petroleum spirit or carbide of calcium from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(2) In this section the expression "petroleum spirit" means such crude petroleum oil made from petroleum coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum as when tested in manner set forth in

Schedule I. to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer. A.D. 1924.

57. If any person cause any drain watercloset earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act. Wilful damage to drains water-closets &c.

58. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation with which he is entitled to have such sewer or drain made to communicate such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose. Corporation to make communications between private drains and their sewers on payment &c.

59. The Corporation may by notice in writing require the owner of any hoarding to maintain the same and any advertising matter thereon in good order and condition and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily from the owner any expense incurred by them in so doing. As to repair of hoardings.

60. Nothing in this Part of this Act shall apply to any building (not used as a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to a railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company and used for the Saving for railway companies.

A.D. 1924. — purposes (other than a dwelling-house) of the undertaking of such company with the authority of Parliament.

PART V.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Power to close Sunday schools and exclude children from entertainments.

61.—(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 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.

(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.

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

62.—(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.

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

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63. 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 ringworm and influenza.

Extended meaning of "infectious disease" for certain purposes.

64. If any person shall at the request of the Corporation stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

Compensation to persons ceasing employment.

65.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

As to filthy premises.

(2) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

66.—(1) If the medical officer or sanitary inspector has reasonable cause to suppose that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

Houses infested with vermin to be cleansed.

(2) Where on the certificate of the medical officer or sanitary inspector it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper or other covering from the walls

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of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the Corporation was reasonable and as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation and the word "vermin" includes bugs fleas lice and itchmites and their eggs larvæ and pupæ.

Penalty on withholding information from medical officer

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

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

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(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

68. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly. Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Persons to furnish names of laundrymen to whom clothes &c. from infected houses sent.

69.—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act a trade business or manufacture shall be deemed to be established not only if it is established for the first time but also if without the consent of the Corporation—

Defining establishment of a new business for purposes of section 112 of Public Health Act 1875.

- (a) it is removed from one set of premises to any other premises; or
- (b) it is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or
- (c) any premises on which it is for the time being carried on are enlarged;

but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership or occupation of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Corporation to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may

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A.D. 1924. — be given so as to continue in force for such period only as the Corporation may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Prohibition on infected person carrying on business.

70. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household in such a manner as to be likely to spread the infectious disease he shall be liable to a penalty not exceeding forty shillings.

Special provisions to prevent spread of infectious diseases.

71. Any parent or other person liable to maintain a child in attendance at a school (including a Sunday school) who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher or superintendent of the school shall be liable to a penalty not exceeding forty shillings:

Provided that in any proceeding under this section a certificate purporting to be under the hand of the head teacher of an elementary school or continuation school 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.

Prevention of contact with body of person dying of infectious disease.

72. Any person who being in charge of the body of any person who has died from any infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds.

Removal of body of person dying of infectious disease.

73. When any person suffering from infectious disease shall die of such disease the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified

that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding two pounds.

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74. Whenever the medical officer shall report in writing to the Corporation or to a committee of the Corporation that there is a prevalence of infectious disease in the borough or in any adjoining or neighbouring borough or district and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the borough by persons resorting to common lodging-houses the Corporation or such committee as aforesaid may by resolution declare that by reason of the prevalence of the infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the borough for such period as the Corporation or such committee as aforesaid having regard to the circumstances of the case shall in the resolution determine (that is to say):—

Medical inspection of inmates of common lodging-houses &c. when infectious disease prevails.

(1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the infectious disease named in the resolution of the Corporation or such committee as aforesaid may exist or has recently existed in any common lodging-house in the borough medically examine any person found in any common lodging-house in the borough with a view to ascertaining whether such person is suffering or has recently suffered from such disease. Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence:

(2) A copy of every such resolution shall forthwith be sent by the Corporation or such committee

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as aforesaid to every keeper of a registered common lodging-house in the borough and to the Minister of Health :

(3) Unless approved by the Minister of Health any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Minister of Health :

(4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

Power to close infectious common lodging-houses.

75.—(1) If the Corporation deem it necessary on account of the existence or recent existence therein of infectious disease to close a common lodging-house they may make an application to a court of summary jurisdiction for an order to close the same and the court if satisfied of the necessity of such closing may make an order for the closing of such house until the same shall have been disinfected to the satisfaction of and certified to be free from infection by the medical officer and any keeper of a common lodging-house who shall receive any lodger or suffer or permit any lodger to remain in such house after an order has been made to close the same and during the continuance of such order shall be liable to a penalty of five pounds for every day during which the offence continues.

(2) The Corporation shall make compensation to the keeper of any such lodging-house for any loss he may sustain by reason of any such closing.

Cleansing of children and their clothing.

76.—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may within the borough examine the person and clothing of any child (other than children in boarding schools including reformatory and industrial schools) and if on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent

guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice.

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(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act convey to such premises and there detain such child until such cleansing is effected.

(3) Where after the person or clothing of a child has been cleansed under the provisions of this section the parent or guardian or other person liable to maintain the child allows him to get into such a condition that it is again necessary to proceed under this section the parent guardian or other person shall on summary conviction be liable to a fine not exceeding ten shillings.

(4) The examination or cleansing of females under this section shall only be effected either by a registered medical practitioner or by a female person being a member of the staff of the medical officer.

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter to his usual or last known residence. In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of the child whose person or clothing requires to be cleansed.

77.—(1) The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the

Cleansing of
verminous
persons.

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A.D. 1924. — medical officer cause any such person who consents to leave his house or whose parent or guardian (where the person is under the age of sixteen) consents to his leaving the house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate may cause any such person who or (where the person is under the age of sixteen) whose parent or guardian does not consent to his leaving the house to be removed therefrom to and detained in any such temporary shelter or house accommodation where a court of summary jurisdiction on the application of the Corporation and on being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order. The Corporation shall in every case cause the removal and detention to be effected and the condition of any order satisfied without charge to the person removed or to the parent or guardian of that person.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) The examination or cleansing of females under this section shall only be effected either by a registered medical practitioner or by a female person being a member of the staff of the medical officer.

(4) If any person at the request of the Corporation or under an order of such court shall cease his employment in order to comply with such order the Corporation may and in case of an order of the court shall make compensation to him for any loss he may suffer thereby.

(5) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation.

(6) This section shall not apply to any child.

Byelaws as
to stables
&c.

78. The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions in or about or arising out of any existing stable not being used as such at the time of the passing of this Act or in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

79. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available.

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As to houses
without
proper
water
supply.

80.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

Regulation
dustbins.

(2) Every owner or occupier having provided any receptacle pursuant to this section shall maintain the same in good order and condition.

(3) Provided that the foregoing provisions of this section shall not apply to any ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or ashtub 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.

(5) The owner or occupier of all premises in connection with which a dustbin has been provided as required by this section shall if so required by the Corporation 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 dustbin. Such payments shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance of such dustbin.

(6) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be

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A.D. 1924. liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

Public notice to be given of provisions of Part V. of this Act.

81.—(1) Public notice of the provisions of this Part of this Act 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 affixed 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.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an officer or servant of the Corporation that the notice required by this section has been affixed outside the town hall and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

PART VI.

FOOD.

Rag and bone dealers not to sell food or bladders and balloons.

82.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute any article 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 similar articles or in or from any shop or premises used for or in connection with the business of rag and bone merchants.

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

83.—(1) Any person who in the manufacture storage or preparation for sale of sausages pressed or pickled meat or other similar commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination shall be liable for every such offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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As to contamination of sausages and other foods.

(2) No person shall be convicted of an offence under this section unless before the commission of the offence with which he is charged he shall have had written notice that such an act or thing as the one complained of is an offence against this section.

84.—(1) The following provisions shall apply to any room shop or other part of a building in which any food is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale or (in the case of hotels or boarding-houses where not less than six persons are boarded or lodged at any one time and in the case of restaurants and tea-rooms) with a view to consumption on the premises:—

Conditions applicable to premises used for sale &c. of food.

- (a) No urinal watercloset earthcloset privy ashpit or other like sanitary convenience shall be within such room shop or other part of the building or shall communicate therewith except through the open air or through an intervening ventilated space;
- (b) No drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within such room shop or other part of the building and no gully or watercloset shall be placed in such a position that offensive odours from such gully or watercloset can gain access to such room shop or other part of the building;
- (c) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of the building except so far as may be reasonably necessary for the proper carrying on of the trade or business;
- (d) Such room shop or other part of the building and the walls and ceilings thereof shall be whitewashed cleansed or purified at reasonable

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intervals and whenever so required by the Corporation on the report of the medical officer or the sanitary inspector and all articles apparatus and utensils therein shall at all times be kept clean and wholesome and due cleanliness shall be observed by persons engaged in such room shop or other part of the building.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of the building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any factory within the meaning of the Factory and Workshop Act 1901.

For
regulating
manufac-
ture and
sale of ice
cream &c.

85.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who—

- (a) causes or permits ice cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (b) in the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (c) omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice cream or other similar commodity to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

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(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice cream or similar commodity or materials so destroyed :

Provided that no compensation shall be payable in respect of any ice cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure.

(3) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand must have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) (a) The medical officer and the sanitary inspector and any other officer who is duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or stand in or on which the same are offered for sale as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(b) Any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

86. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within the borough or to bring into the borough any carcase or part of a carcase so blown or inflated and any person so blowing or inflating any carcase or part of a carcase or bringing into the borough

Prohibition
of blowing
or inflating
carcases.

A.D. 1924. — or exposing or depositing for sale a carcase or any part thereof so blown or inflated shall be liable to a penalty not exceeding five pounds.

Places used for storage &c. of human food not to be used as sleeping places.

87.—(1) No room shop or other part of a building in which any food is sold or prepared or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall be used as a sleeping place.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building as a sleeping place in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of the provisions of this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Registration of premises used for manufacture &c. of potted meats.

88.—(1) Any premises used or proposed to be used for the preparation or manufacture of potted or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid.

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

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

(4) This section shall not apply to any premises used as a hotel restaurant or club.

89. The Corporation may make byelaws for promoting sanitary and cleanly conditions in the manufacture preparation storage transport or exposure for sale of any article intended to be sold for the food of man. Provided that before confirming any byelaws made as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts apply the Minister of Health shall consult the Secretary of State.

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Byelaws for places used for preparation of food.

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

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

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

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

91.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) and found in the possession of any person was sold to him by another person for the food of man (the proof that the same was not sold for the food of man resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

Penalty on original vendor of unsound food.

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(2) Where any animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 the person to whom the same belongs or did belong at the time of deposit of such article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Byelaws as
to inspection
of meat.

92.—(1) The Corporation may make and enforce byelaws (a) for preventing meat (other than meat which has been inspected and passed as fit for the food of man by a medical officer of health or a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of the district in which the animal has been slaughtered) or any part of the carcase of an animal brought into the borough and intended for the food of man from being used for the food of man or being offered for sale or sold or deposited for sale or for the preparation for sale until after inspection by an officer of the Corporation (b) for preventing the removal of any carcase or any part thereof from any slaughter-house until after such inspection as aforesaid and (c) for requiring notice of the slaughtering of any animal suffering from accidental injury or illness to be given to the medical officer by the person responsible for such slaughter.

(2) Provided that any byelaw made by the Corporation for the purposes (a) or (b) mentioned in subsection (1) of this section shall provide (i) that any person bringing any meat or any part of the carcase of an animal into the borough or intending to slaughter any animal at any slaughter-house shall give to the medical officer reasonable notice in writing of the day and hour and place in the borough on and at which the meat or any part of the carcase can be inspected as aforesaid or on and at which the slaughtering is intended to take place as the case may be and (ii) that if within such reasonable period after the notified hour as may with due regard to the requirements of the trade be prescribed by the byelaw an officer of the Corporation shall not have attended at the place so notified for the purpose of inspection the restriction in subsection (1) of this section referred to shall not apply to the meat or any part of the carcase in respect of which the notice was given.

A.D. 1924.

(3) Before making any such byelaws the Corporation shall give not less than one month's notice to the Morecambe Master Butchers Association of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association thereon before they submit them to the Minister of Health for confirmation and such association shall be entitled to make representations to the Minister of Health with regard thereto.

Nothing contained in this section or in any byelaw to be made thereunder shall apply to any railway company and nothing in any byelaw made under this section shall affect the operation of the Diseases of Animals Acts 1894 to 1922 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

93. The Corporation may construct and maintain a refrigerator or cold-air store with all machinery apparatus and appliances necessary for the proper working and use thereof and for the storage and preservation of meat and other articles of food and may demand and take in respect of the use of any such refrigerator or cold-air store such charges as they may determine.

Power to establish cold-air stores.

[Ch. 1v.] *Morecambe Corporation* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924.
—
Public
notice to be
given of
provisions
of Part VI.
of this Act.

94.—(1) Public notice of the provisions of this Part of this Act 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 affixed 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.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an officer or servant of the Corporation that the notice required by this section has been affixed outside the town hall and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

PART VII.

CORN RENT OF VICAR OF LANCASTER.

Confirming
agreement
with vicar of
Lancaster.

95. The agreement made the sixth day of December one thousand nine hundred and twenty-three between the Reverend Joseph Udell Norman Bardsley of the one part and the Corporation of the other part as set forth in the First Schedule to this Act is hereby ratified confirmed and made binding on the parties thereto and may and shall be carried into effect according to the true intent and meaning thereof.

Repeal of
provisions
as to corn
rent in
parish of
Poulton
Bare and
Torrisholme
now
borough of
Morecambe.

96.—(1) From and after the twenty-first day of December one thousand nine hundred and twenty-four no part of the annual corn rent under the Tithe Act or any expenses or other payments as by that Act provided shall be payable out of or in respect of any messuages lands tenements grounds or hereditaments within the parish or by the parish or the owners occupiers or any other persons in respect of such messuages lands tenements grounds or hereditaments.

(2) Within six months after the passing of this Act the Corporation shall produce to the Commissioners of Inland Revenue a King's printer's copy of this Act stamped with the ad valorem duty which would be

payable upon an instrument (as defined by the Stamp Act 1891) being a release or renunciation of such part of the said annual corn rent as was by the Tithe Act apportioned to be raised by the parish and all right or interest therein upon a sale thereof in consideration of the payment of the sum of one thousand six hundred pounds and in default of such production the amount of the said duty with interest thereon at the rate of five per centum per annum from the passing of this Act until payment of the said duty shall be a debt to His Majesty from the Corporation. A.D. 1924.

97. The annual amount necessary to meet the annual charges upon the sum which the Corporation are by this Act authorised to raise and borrow in respect of this Part of this Act shall be a charge upon and payable out of the borough fund and borough rate. Power to make a rate.

PART VIII.

TOWN HALL PUBLIC BUILDINGS BATHS PARKS &C.

98.—(1) The Corporation may on lands of which for the time being they may be the owners or on lands to be acquired by them by agreement for the purpose erect and construct and hold furnish equip maintain insure and carry on a town hall municipal buildings public halls assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante rooms refreshment rooms kitchens cloak rooms lavatories gardens pleasure grounds promenades outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation and may provide erect and maintain offices as part of any such building or buildings. Power to provide and let town hall and other buildings.

(2) The Corporation may for the purpose of erecting constructing providing and maintaining any such buildings as aforesaid purchase or take upon lease or otherwise acquire lands by agreement but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

A.D. 1924.

(3) The Corporation may grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Corporation on such terms and conditions as they may think fit.

(4) Any moneys received by the Corporation in connection with the execution of the purposes of this section shall (subject as regards public halls and assembly rooms to the provisions of the section of this Act of which the marginal note is "Revenue and expenses of entertainments undertaking to form part of borough fund") be carried to the credit of the borough fund.

Corporation
may provide
baths &c.

99.—(1) Subject to the provisions of this Act the Corporation may upon land of which for the time being they may be the owners or lessees or on lands to be acquired by them by agreement for the purpose erect construct provide maintain furnish and equip sea-water fresh-water medicated Turkish and other baths and may lay down and provide such water intake pipes apparatus and fittings as may be incidental to or necessary for such purpose and may make such reasonable charges for admission to such baths as they may think fit.

(2) The Corporation may for the purpose of erecting constructing providing and maintaining any such baths as aforesaid purchase or take upon lease or otherwise acquire lands by agreement but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

(3) For the purpose of laying down and repairing pipes for supplying water to any baths belonging to them the Corporation may break up streets repairable by them and alter the position of any culverts pipes and wires under any such street:

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

(4) The Corporation may let on lease to any company or person for such term and on such conditions as they may think fit any baths constructed by them

as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths contained in this section. A.D. 1924.

100.—(1) The Corporation may subject to the provisions of this Act take on lease any part of the seashore within the borough or take use and appropriate any part of the seashore of which for the time being they may be the owners and construct in accordance with such plans and sections as may be approved by the Minister of Health and maintain thereon sea walls marine lakes and bathing pools together with such works appliances and conveniences as may be necessary or proper in connection therewith and such other buildings as may be approved by the Minister of Health.

Sea walls
marine lakes
and bathing
pools.

(2) The Corporation may make such reasonable charges as they may think fit for the admission to and use of the marine lakes and bathing pools by this Act authorised to be constructed or any part thereof or any works appliances or conveniences provided in connection therewith or any other buildings erected with the approval of the Minister of Health and the Corporation may if they think fit let any such works appliances conveniences or buildings.

(3) The provisions of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 shall apply as if a marine lake was a lake or piece of water in a park or pleasure ground provided by the Corporation.

(4) The Corporation may for any of the purposes mentioned in section 69 of the Town Police Clauses Act 1847 or in section 92 of the Public Health Acts Amendment Act 1907 or in the section of this Act of which the marginal note is "Byelaws as to family and mixed bathing" make byelaws for regulating the use of the bathing pools and marine lakes.

101. The Corporation may from the first day of October to the 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.

102. The Corporation may close to the public and may reserve the exclusive use of any swimming bath open

Use of
swimming
baths &c.

A.D. 1924.
—
for exhibi-
tions
and enter-
tainments.

bathing place or marine lake belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises regattas or for any other entertainment or exhibition or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath open bathing place or marine lake such sums for the exclusive use of such bath place or lake or for admission of persons thereto as they may think fit.

Byelaws as
to family
and mixed
bathing.

103. Notwithstanding anything to the contrary contained in the Baths and Washhouses Acts 1846 to 1899 the following provisions shall have effect:—

- (1) The power of the Corporation to make byelaws for the management use and regulation of the public baths shall extend to enable them to permit any swimming bath to be used for the purpose of family bathing (that is to say by any males and females members of families bathing together at the same time) or of mixed bathing (that is to say by males and females bathing together at the same time) during such hours and subject to such regulations as shall be prescribed in such byelaws provided that by such byelaws provision shall be made for ensuring that separate dressing accommodation shall be provided and used by males who have attained the age of eight years and females respectively and proper costumes worn:
- (2) The provisions of sections 10 and 11 of the Baths and Washhouses Act 1878 shall apply in reference to such byelaws as if the same were made under that Act and the Corporation may accordingly exercise all the powers conferred upon them by the said sections in reference to the enforcement of such byelaws.

Power to
acquire and
use lands
for golf
and other
games.

104.—(1) The Corporation may by agreement purchase or acquire or take on lease and may hold use and appropriate such part or parts of the lands described in the Second Schedule hereto and of any additional lands which the Corporation may acquire or take on lease for the extension thereof as may be necessary or expedient for the purposes of any games or recreation and may thereon lay out maintain alter regulate manage and use golf courses lawn tennis courts croquet lawns bowling

greens and grounds for cricket football hockey archery and other similar purposes and may upon the said lands in addition to any other powers they possess exercise all or any of the following powers (that is to say):—

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- (a) Close the same or any part thereof against the public and demand and take or permit to be demanded and taken such reasonable sums as the Corporation may decide for the exclusive occupation of the same or any portion thereof or for the admission of persons vehicles goods and things thereto and may exclude therefrom all persons vehicles goods and things unless payment be made of the reasonable sum demanded;
- (b) Provide alter and maintain any buildings pavilions conveniences or necessary apparatus for or in connection with any of the aforesaid games and purposes;
- (c) Make charges for the use of the golf courses lawn tennis courts croquet lawns bowling greens and grounds or of any part thereof and of any buildings conveniences or apparatus provided in connection therewith;
- (d) Permit the use by any club or other body or person of the lawn tennis courts croquet lawns bowling greens and grounds or of any part thereof and of the buildings pavilions conveniences or apparatus aforesaid subject to such reasonable charges and conditions as the Corporation may think fit;
- (e) Let on lease or otherwise to any club company body or persons any portion of the golf courses lawn tennis courts croquet lawns bowling greens and grounds and of the buildings pavilions or conveniences aforesaid for such consideration and upon such terms and conditions as the Corporation may think fit Provided that notwithstanding such letting on lease or otherwise the public shall be entitled and it shall be so provided in any lease or licence to use on payment of such reasonable charges as the Corporation may prescribe any golf course to which this section refers at all times when it is open for the use of the members of a club company body or other persons as aforesaid;

A.D. 1924.

- (f) Make and enforce byelaws for regulating the use of the golf courses lawn tennis courts croquet lawns bowling greens and grounds and the conduct of persons using the same or resorting thereto for the purposes of golf and other games; and
- (g) Employ officers and servants in connection with and for the purposes of the powers aforesaid.

(2) The Corporation may appropriate the lands acquired held used and appropriated under subsection (1) hereof or any portion of such course or lands for any purpose within the statutory powers of the Corporation which may be approved by the Minister of Health.

Charge for use of parts of recreation grounds &c. set apart for certain purposes.

105. When any portion of a public park or pleasure or recreation ground is set apart by the Corporation for any purpose under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and specially laid out and maintained for any such purpose the Corporation may charge reasonable sums for the use thereof for that purpose.

Power to charge for admission.

106. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of any buildings or enclosures in any of their parks recreation grounds baths bathing pools marine lakes or lands used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms reading rooms and conveniences in connection therewith as they may deem fit.

Provision of concerts entertainments &c.

107.—(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments athletic meetings exhibitions regattas and amusements and for the sale of refreshments in any public buildings halls or buildings connected with baths bathing pools marine lakes or rooms belonging to them or in any parks or recreation grounds for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Corporation may let any such buildings baths bathing pools

marine lakes or rooms belonging to them or any parks or recreation grounds for the purpose of such concerts entertainments athletic meetings exhibitions regattas or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit.

(2) The Corporation may in any public buildings halls baths bathing pools marine lakes parks or recreation grounds vested in them enclose an area for the purpose of any such concerts or other entertainments athletic meetings exhibitions regattas and amusements as aforesaid or for any performance by such bands or choirs.

(3) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section.

(4) The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this section.

(5) The Corporation may as part of the working expenses of the entertainments undertaking pay or contribute towards the cost of providing and maintaining in the borough and in newspapers circulating in the borough advertisements of any concerts entertainments athletic meetings exhibitions regattas or amusements given in pursuance of this section.

(6) All expenses incurred by the Corporation under the provisions of this section shall be paid out of the revenue of the entertainments undertaking and all moneys received by them thereunder shall be carried to the credit of the said revenue.

108.—(1) The Corporation may subject to the provisions of this Act upon the seashore erect provide furnish equip and repair and may let to or may permit any person subject to such charges and upon such terms and conditions as the Corporation think fit to occupy any site and thereon to erect use and carry on booths tents bathing huts shops stalls or stands for the sale of refreshments or of articles or commodities of any kind or for the giving of entertainments exhibitions and amusements and for any other purpose tending to promote the recreation health or pleasure of the public.

Provision
and use of
booths tents
shops stalls
stands &c.

A.D. 1924.

(2) The Corporation may let for such periods and upon such terms and conditions as they think fit any booths tents bathing huts shops stalls or stands erected or provided by them under this section.

(3) The Corporation may upon such terms and conditions as they think fit permit any person by whom any booths tents bathing huts shops stalls or stands are used or carried on under this section to make charges for the use of the same or for admission to entertainments exhibitions and amusements therein.

(4) The Corporation may provide and let for hire bathing tents and towels costumes and other apparatus for bathing purposes and may provide construct and maintain upon the pleasure grounds and seashore sheds and other conveniences for the storing of the same.

(5) The Corporation may employ and pay boatmen for the purpose of protecting persons while bathing and may provide any boats for that purpose.

Shelters &
may be
provided.

109. The Corporation may subject to the provisions of this Act place or authorise any person or persons to place shelters with or without lavatories and sanitary conveniences seats or chairs for the use of the public in any street highway park recreation ground or pleasure ground or other public place and upon land adjoining streets highways and public places or on the seashore and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of shelters seats and chairs and for preventing injury or damage thereto :

Provided that no such shelters conveniences seats or chairs shall be placed upon any bridge over the railways or property of the London Midland and Scottish Railway Company or any street belonging to or repairable by the London Midland and Scottish Railway Company or so as to cause interference with or render less convenient the access to or exit from any station or depôt of the London Midland and Scottish Railway Company.

Power to
appoint
officers.

110. The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be

sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant. A.D. 1924.

PART IX.

VEHICLES POLICE &C.

111. The provisions of the Town Police Clauses Act 1847 and the byelaws of the Corporation in force with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises as if such railway station or railway premises were a stand for hackney carriages or a street : As to public vehicles plying for hire at railway stations.

Provided that the provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicle :

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage in any railway station or railway premises or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

112.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage. Inspection and certification of taximeters.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

[Ch. Iv.] *Morecambe Corporation* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

Power to regulate omnibus routes.

113.—(1) When licensing an omnibus to ply for hire within the borough the Corporation may subject as hereinafter provided attach to any such licence conditions with respect to the routes upon which such omnibus may or shall not ply for hire. Provided that omnibuses belonging to the same proprietor may be transferred by him from one route to another so long as he does not at one and the same time allow a greater number of his vehicles to ply for hire on any one route than the number of licences which he holds for that route.

(2) The proprietor of any omnibus deeming himself aggrieved by any condition which the Corporation may in pursuance of subsection (1) of this section have attached to any licence issued to him may appeal to the Minister of Transport and the Minister shall have power to make such order thereon as he shall think fit.

(3) Every order made by the Minister of Transport under this section shall be final and binding on the parties affected thereby and shall on the application of the Minister be enforceable by writ of mandamus.

(4) The proprietor of any omnibus who permits the same to ply for hire contrary to any condition endorsed on his licence therefor under this section shall be deemed to have committed an offence under section 45 of the Town Police Clauses Act 1847.

Power to make regulations as to traffic on carnival &c. days.

114. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the borough on days appointed for carnivals or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

As to street traffic.

115. The Corporation may delegate their powers under section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.)

of the Town Police Clauses Act 1847 and under the last preceding section of this Act to a committee consisting of not less than five members of the council and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the council.

116.—(1) No person shall on the promenade Victoria Esplanade or Marine Road or on the seashore or the approaches to the seashore importune any person by touting for a hotel lodging-house refreshment house shop pier boat garden theatre tramway hackney carriage or any place of amusement or without the consent in writing of the Corporation hawk sell or offer for sale any article or commodity Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Corporation may think fit.

Prohibition of touting and hawk-ing on pro-menade &c. and on sea-shore.

(2) Any person offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding forty shillings and it shall also be lawful for any constable or any officer of the Corporation to remove from the promenade Victoria Esplanade Marine Road the seashore or the approaches to the seashore any person so offending.

117. If any person shall erect provide or place or maintain on the promenade the seashore or the approaches to the seashore any booth tent bathing hut shop stall stand or other erection or obstruction or shall use or carry on the same except in pursuance of the provisions of this or some other Act of Parliament or with the consent in writing of the Corporation he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Penalty for un-authorized erection of booths &c.

118. It shall not be lawful on the promenade the seashore or the approaches to the seashore without the consent in writing of the Corporation previously obtained to deliver utter or read aloud any public speech lecture address discourse or other matter of any kind or description whatsoever or to sing any sacred or secular song or to enter into any public discussion maintaining the right to deliver utter or read aloud any public speech lecture discourse address or other matter or to

Prohibiting public speeches &c. on promenade &c.

A.D. 1924. — hold or cause or take part in any public assemblage or without the consent of the Corporation to play any musical instrument. Any person offending against the provisions of this section shall be subject to a penalty not exceeding forty shillings and it shall also be lawful for any constable or any officer of the Corporation to remove from the promenade the seashore or the approaches to the seashore any person so offending.

Byelaws
as to
promenade
&c.

119. The Corporation may make byelaws for prohibiting or regulating the distribution of handbills or the soliciting of alms on the promenade Victoria Esplanade Marine Road the seashore and the approaches to the seashore.

PART X.

RATING.

Commence-
ment of this
Part of Act.

120. This Part of this Act shall come into operation as from the first day of April one thousand nine hundred and twenty-five.

Alteration
of name of
parish or
township.

121. From and after the passing of this Act the parish as defined by this Act shall be called or known as the "parish of Morecambe" and any reference to the parish or township of Poulton Bare and Torrisholme in former Acts or Orders shall be deemed to be a reference to the parish.

Saving for land
tax ecclesiastical
divisions and
charities.

122. Nothing in this Act shall affect land tax or the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment.

Council
to be
overseers.

123.—(1) (a) Notwithstanding anything to the contrary contained in any Act or Order from and after the commencement of this Part of this Act the Council shall be the overseers of the parish and all powers duties and liabilities exerciseable by or attaching to overseers shall be exerciseable by and extend and apply to the Council acting as overseers:

Provided that any person designated by the Corporation as hereinafter mentioned to perform duties in relation to the preparation of the jurors' book and the register of electors shall have the powers and duties and be subject to the liabilities of overseers under the enactments relating to these subjects:

A.D. 1924.

Provided also that the persons specified in the Third Schedule shall have the powers and duties and be subject to the liabilities of an overseer or overseers with respect to the matters specified in the said Third Schedule to this Act and any other powers and duties of an overseer or overseers with respect to matters similar in character to the matters specified in the said Third Schedule which may be transferred to such persons by order of the Minister of Health who is hereby empowered to make any such order accordingly.

Sections 13 to 16 (both inclusive) section 20 of the Lunacy Act 1890 and section 2 of the Lunacy Act 1891 shall be read and have effect as if the word "overseer" were omitted therefrom.

(b) The overseers of the parish shall go out of office at the commencement of this Part of this Act.

(c) Separate accounts shall be kept of the transactions of the council acting as overseers and the enactments relating to the audit of the accounts of overseers shall apply to such separate accounts.

(2) (a) After the thirty-first day of March one thousand nine hundred and twenty-five every precept issued by the guardians of the Lancaster Union for the purpose of obtaining money which is ultimately to be raised by the council acting as overseers out of the consolidated rate to be raised within the borough under the provisions of this Act shall be sent to the council at their office addressed to the council or the town clerk.

(b) Any document required to be signed by the overseers may be signed by the town clerk.

(3) References in any Act to the overseers of the parish shall be construed as references to the council and the legal interest in all property vested in the overseers (other than the property connected with the affairs of the Church or held for an ecclesiastical charity within the meaning of the Local Government Act 1894) shall vest in the council.

(4) Where the overseers as such are either alone or jointly with any other persons trustees of any parochial charity such number of members of the council or other persons not exceeding the number of the overseers' trustees as the council may appoint shall be trustees in their place.

A.D. 1924.

As to
appoint-
ment of
officers
to assist
overseers.

124.—(1) The council may appoint and remove such officers as they deem necessary to assist in the discharge of the duties of overseers and may fix the remuneration to be paid to such officers.

(2) The registration officer may before the preparation of the spring and autumn registers in any year require the Corporation to designate one or more of the assistant overseers or other officers appointed under this section to perform the duties of overseers in relation to the preparation of the registers of electors in that year and the registration officer may also before the preparation of the autumn register give a similar requirement in relation to the preparation of the jurors' book and the Corporation shall forthwith comply with any such requirement of the registration officer. The remuneration of or expenses incurred by any such officer in respect of the performance of such duties shall continue to be payable in accordance with the provisions of the enactments relating to these subjects.

(3) (a) Any assistant overseer appointed by the council and all officers appointed or to be appointed by the council to assist in the discharge of the duties of overseers shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Minister of Health shall report thereon annually to the Corporation and such securities shall be deposited with the Corporation and not with the board of guardians.

(b) Assistant overseers appointed by the council shall not be required to give security to the guardians of the Lancaster Union under section 61 of the Poor Law Amendment Act 1844.

(4) Any person holding at the commencement of this Part of this Act the office of assistant overseer shall after the commencement of this Part of this Act hold and perform the duties of the office of assistant overseer of the parish. The remuneration to which at the commencement of this Part of this Act any such assistant overseer is entitled for performing the duties of his office shall be paid out of the poor rates of the parish and any such assistant overseer shall continue to hold office by the same

tenure and upon the same terms and conditions as heretofore and while performing the same duties shall receive not less remuneration than heretofore. A.D. 1924.

125.—(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 and general district rate or either of them shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in 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. All expenses of Corporation to be paid out of borough rate.

(2) The district fund shall be closed and any balance which on the date upon which this Part of this Act comes into operation is standing to the credit or to the debit of the district fund or the general district rate respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connection with the district fund or of 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.

126. The overseers may make an allowance by way of discount not exceeding five per centum on the amount due in respect of any consolidated 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 they shall prescribe and in any such case the overseers shall make such allowance accordingly Provided that any such allowance shall in every case be of equal amount under like circumstances Provided also that notice of this enactment shall be endorsed on every demand note for rates. Discount on consolidated rate.

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Water rent
may be
collected
with consoli-
dated rate.

127.—(1) Any water rent or charge payable to the Corporation may be collected together with the consolidated rate and the same books may be used for the said rents charges and rates.

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

Contribu-
tion to
borough
rate to be
paid out of
poor rate.

128. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate to be made for the parish and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall apply to such contribution.

Poor rate to
be called
“ the con-
solidated
rate.”

129. The poor rate (inclusive of the contributions to the borough fund levied in pursuance of the provisions of this Act) shall be called “ the consolidated 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.

Application
of Poor Rate
Assessment
and Collec-
tion Act
1869.

130. 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 :—

- (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 commission which may be allowed under section 3 of the said Act may be of such amount not exceeding twenty per centum as the Corporation may from time to time determine :
- (3) 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 :
- (4) 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 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 for the time being of a like rateable value : A.D. 1924.

- (5) 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.

131. The provisions contained in this section shall have effect with respect to the consolidated rates to be made and levied by the overseers (that is to say) :— Differential consolidated rate in certain cases.

- (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 consolidated 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-four 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

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of this Act of which the marginal note is
“Discount on consolidated rate” :

Provided that during the continuance of the Tithe Rent-charge (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 thirty-five fifty-fourths of the amount payable under subsection (1) of the section of the Morecambe Corporation Act 1924 of which the marginal note is ‘Differential consolidated rate in certain cases’ in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining nineteen fifty-fourths thereof shall on demand being made by the collector of the rate or the surveyor 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 the estate duty grant” :

(2) Provided also that—

(a) During the continuance of the Agricultural Rates Act 1896 and of the Agricultural Rates Act 1923 the occupier of any agricultural land as defined in the first named Act shall be liable to pay in each year in respect of such land a rate calculated on the basis of only twenty-five per centum of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section ;

(b) In the event of the Agricultural Rates Act 1923 being discontinued during the continuance of the Agricultural Rates Act 1896 such occupier shall as from such discontinuance and during the continuance of such last-mentioned Act be liable to pay in each year in respect of such land a rate calculated on the basis of thirty-five per centum of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

(3) Nothing in this section shall in any way affect— A.D. 1924.

(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; or

(c) Save as is in this section expressly provided 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; or

(e) The calculation of the amount in the pound of the part of the consolidated rate levied for the purposes of the relief of the poor and other expenses of the guardians county contributions and expenses of the overseers respectively which is required to be stated in the demand note for the poor rate:

(4) (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 grounds thereof be given by the appellant to the Corporation;

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(b) On appeals under this subsection 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.

Amendment
of rates.

132. Section 221 of the Public Health Act 1875 shall apply to the borough in respect of the consolidated rate as if the rate therein mentioned were the consolidated rate.

Application
of section
133 of
Lands
Clauses Con-
solidation
Act 1845.

133. For the purposes 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 forty per centum of the amount in the pound of the consolidated rate.

As to
recovery of
consolidated
rate.

134. No warrant of commitment in respect of non-payment of the consolidated 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.

Service of
demand.

135. Section 267 (Service of notices) of the Public Health Act 1875 shall apply to any demand for the consolidated rate to be served by the overseers.

Overseers
may require
returns.

136.—(1) The overseers of the parish may by notice in writing require the owner or occupier or reputed owner or occupier of any hereditament in the parish (other than land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the Fourth Schedule to this Act and containing the particulars therein mentioned or referred to:

Provided that (except for purposes connected with the preparation of and preliminary to a general revaluation for rating) the powers conferred by this section shall only be exercised—

(a) Upon any change in the occupation or ownership of any hereditament; or

- (b) Upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament; or
- (c) In the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section.

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(2) Any person who wilfully refuses or neglects to make a return lawfully required under this section within fourteen days after receipt of such notice as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and any person who wilfully makes or causes to be made a false return shall be liable to a penalty not exceeding ten pounds.

(3) The overseers shall whenever required by the assessment committee of the Lancaster Union produce from time to time to such committee such returns or any of them obtained by the overseers under the provisions of this section.

(4) Nothing in this section shall require any railway company or committee of railway companies to include in any return which they may be required to send to the overseers particulars with respect to their running lines sidings or stations.

137. The purpose to which the borough fund is applicable shall include the provision of a working balance for the payment of current expenses that may be incurred by the Corporation in the exercise or performance of the powers and duties the cost of which is charged on the borough fund and the Corporation may (in estimating the amount sufficient for those purposes and in ordering the borough rate to be made) include such a sum as they may consider to be necessary for the provision of such working balance.

Borough rate may include working balance.

PART XI.

FINANCE.

138. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with

Expenses of execution of Act.

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A.D. 1924. — respect to which no other provision is made may be defrayed out of the borough fund.

Power to borrow.

139.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column thereof, (namely) :—

Purpose.	Amount.	Period for Repayment.
(a) For the construction of the promenades street improvements and works by this Act authorised.	£ 90,000	50 years from the date or dates of borrowing.
(b) For and in connection with the commutation of corn rent of the vicar of Lancaster by this Act authorised.	1,600	30 years from the date or dates of borrowing.
(c) For and in connection with the purchase of land for town hall and other buildings by this Act authorised.	The sum requisite	60 years from the date or dates of borrowing.
(d) For the construction of town hall and other buildings by this Act authorised.	20,000	60 years from the date or dates of borrowing.
(e) For the construction of sea walls marine lakes baths bathing pools and works on the seashore by this Act authorised.	30,000	30 years from the date or dates of borrowing.
(f) For the construction of parks recreation grounds golf courses lawn tennis courts croquet lawns bowling greens and grounds for games by this Act authorised.	10,000	30 years from the date or dates of borrowing.
(g) For payment of the costs charges and expenses of this Act.	The sum requisite	5 years from the date or dates of borrowing.

(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 other than the electricity undertaking and the tramways undertaking including the provision of working capital for their water undertaking and gas undertaking.

(b) The Corporation may also borrow such further moneys as may be necessary for the purposes including the provision of working capital of their electricity undertaking and tramways undertaking with the sanction of the Electricity Commissioners and of the Minister of Transport respectively.

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health the Electricity Commissioners or the Minister of Transport as the case may be.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the borough fund.

140. The following provisions of the Act of 1918 shall apply to the exercise of the powers of this Act as if the same were with the necessary modifications re-enacted in this Act (that is to say):—

Incorporation of financial provisions of Act of 1918.

- Section 8 Incorporation of certain provisions of Act of 1900 Provided that section 52 (Application of borrowed moneys) of the Act of 1900 shall not apply to this Act And provided that for the purposes of this Act subsection (2) of section 57 (Inquiries by Local Government Board) of the Act of 1900 shall have effect as if the words "five guineas" were substituted for "three guineas" in that subsection;
- Section 11 Appointment of receiver;
- Section 12 Mode of payment off of money borrowed;
- Section 13 Sinking fund;
- Section 15 Power to use one form of mortgage for all purposes;
- Section 16 Power to use sinking fund instead of borrowing;
- Section 17 Power to re-borrow;
- Section 18 Return to Ministry of Health as to repayment of debt;
- Section 19 Power to invest sinking fund in statutory securities.

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—
Appointed
auditors.

141.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors appointed under the Municipal Corporations Acts. Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as “the appointed auditor.”

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditors and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

As to
section 234
of Public
Health Act
1875.

142. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Corporation may borrow the amount of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the total debt of the Corporation under those Acts.

Consoli-
dated loans
fund.

143.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order as from the thirty-first day of March

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one thousand nine hundred and twenty-five or as from any succeeding thirty-first day of March 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—

- (a) All moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys temporarily borrowed without security in connection with the exercise of duly authorised borrowing powers;
- (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
- (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:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except of such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the thirty-first day of March as from which the consolidated loans fund shall be established.

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

- (a) In the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; or
- (b) 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 any 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

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(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 a scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

Power to use sinking funds or reserve funds temporarily.

144.—(1) The Corporation may from time to time for the purpose of providing temporarily for any current expenses that may be incurred by them in the execution of any Act of Parliament or Provisional Order confirmed by or under any Act of Parliament utilise any sinking funds or reserve funds which they may have on hand crediting the said sinking funds or reserve funds with such fair rate of interest not being less than three per centum per annum as they may resolve. The amount of any sinking or reserve funds which the Corporation may utilise for such purpose shall not aggregate at any time an amount equal to one-fourth of the total aggregate amount of the before-mentioned expenses for the immediately preceding financial year.

(2) All sums borrowed by the Corporation under this section in respect of the current expenses of any financial year shall be repaid out of the revenue received by the Corporation in respect of such year.

(3) When the Corporation borrow money under this section—

(a) the treasurer shall within forty-two days after the end of each financial year furnish to the Minister of Health a special report showing precisely the operation of the powers of this section during such year and such report shall

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- be in such form and shall contain such information as that Minister shall approve or require;
- (b) the Minister of Health may make such investigation as may be necessary to satisfy himself that the requirements of this section have been complied with and if it appear to the Minister of Health by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section that Minister may by order suspend the operation of the powers of this section for such period as he may think fit.

(4) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March nineteen hundred and twenty-five unless they shall have been continued by Act of Parliament or by an order made by the Minister of Health which order that Minister is hereby empowered to make and in the event of his making any such order he is hereby empowered to make such modifications or amendments in the provisions of this section as may appear to him to be necessary.

145. The Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund loans fund redemption fund or reserve fund of the Corporation (in this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions:—

Use of moneys forming part of sinking and other funds.

- (a) The moneys so used shall be repaid to the lending fund by equal yearly or half-yearly instalments of principal or of principal and interest combined within the period and out of the fund rate or revenue within and out of which a loan raised under the statutory borrowing power would be repayable;
- (b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on

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mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing powers;

- (c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

Application
of money
borrowed.

146. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed under the section of this Act whereof the marginal note is "Power to use sinking funds or reserve funds temporarily") to which capital is properly applicable.

Period for
repayment
of loans
under
Municipal
Corpora-
tions Act
1882.

147. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister of Health shall in each case prescribe.

Evidence of
transfer or
transmission
of securities.

148. It shall not be obligatory on the Corporation 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 authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the treasurer of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Receipt in
case of
persons not
sui juris.

149. If any money is 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.

150.—(1) The Corporation shall apply all moneys from time to time received by them under and in pursuance of the exercise of the powers of the section of this Act of which the marginal note is “ Power to acquire and use lands for golf and other games ” other than money (if any) received on capital account as follows (that is to say):—

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Application
of revenue
from golf
courses &c.

Firstly—In payment of the working and establishment expenses and cost of maintenance of the lands and buildings for golf and other games authorised by the aforesaid section if maintained by them;

Secondly—In payment of the interest on moneys borrowed by the Corporation for the purposes authorised by the aforesaid section;

Thirdly—In providing the requisite instalments or payments to sinking fund in respect of moneys borrowed by the Corporation for the purposes authorised by the aforesaid section;

Fourthly—In extending and improving such golf courses and grounds.

And the Corporation shall carry to the credit of the revenue of the entertainments undertaking so much of any balance remaining in any year as may in the opinion of the Corporation not be required to continue the facilities authorised by the aforesaid section and pay the current expenses connected therewith.

Any deficiency in the revenue or receipts of the Corporation in connection with the exercise by the Corporation of purposes authorised by the aforesaid section shall be made good out of the revenue of the entertainments undertaking or if and so far as such revenue is insufficient out of the borough fund and borough rate.

(2) The Corporation shall keep separate accounts in respect of the exercise by them of the aforesaid purposes and such accounts shall be kept separate from all other accounts distinguishing therein capital from revenue.

151.—(1) All moneys from time to time received by the Corporation in respect of the entertainments undertaking shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of that undertaking shall be paid out of that fund.

Revenue and
expenses of
entertain-
ments under-
taking to form
part of
borough fund.

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(2) The Corporation shall keep separate accounts in respect of the exercise by them of the aforesaid purposes and such accounts shall be kept separate from all other accounts distinguishing therein capital from revenue.

Expenses of public ceremonies.

152. The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882 any reasonable expenses (not exceeding in any year the amount which would be produced by the levying of a borough rate of one halfpenny in the pound) incurred by them in the reception and entertainment of distinguished bodies and persons residing in or visiting the borough and on any occasion of public rejoicing or ceremony.

Application of revenue and payment of expenses of undertakings.

153. All money received by the Corporation on account of the revenue of the following undertakings (namely):—

- (1) the water undertaking;
- (2) the electricity undertaking;
- (3) the gas undertaking;
- (4) the tramways 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.

Separate accounts in respect of certain undertakings.

154.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the following undertakings (that is to say) the water undertaking the electricity undertaking the gas undertaking and the tramways undertaking (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say)—

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

- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of maintaining the undertaking;
- (e) The amount (if any) paid to a reserve fund which the Corporation are hereby authorised to maintain (if the Corporation think fit) in respect of the undertaking by setting aside such an amount 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 the maximum reserve fund for the time being prescribed by the Corporation not exceeding (except in the case of the tramways undertaking) a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation upon the undertaking which fund shall be applicable to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens:.

Provided that any net surplus with respect to the water undertaking ascertained in accordance with the aforesaid provisions shall be applied by the Corporation to the reduction of the water rates or charges or to the improvement of the water undertaking and to no other purpose.

(2) The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking.

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Form of
accounts.

155. Notwithstanding anything contained in this Act 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.

Apportion-
ment of
items.

156. In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to 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.

Treasurer
instead of
town clerk
to make
annual
returns to
Ministry of
Health.

157. From and after the passing of this Act the treasurer shall make to the Ministry of Health any return in relation to any loans fund or sinking fund or instalments which by any Act or Order relating to the Corporation or by any public Act the town clerk is required to make and any provision relating to the making of such return in any such Act shall be read and have effect as if the treasurer were mentioned therein in lieu of the town clerk.

PART XII.

MISCELLANEOUS.

Dwelling-
houses for
employees
and other
buildings.

158. The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with their water electricity gas tramways and entertainments undertakings and offices showrooms and other buildings for the purposes of those undertakings and they may also erect maintain and let any such buildings upon any land for the time being belonging or leased to the Corporation for those purposes.

Byelaws as
to wires
apparatus
and fittings.

159. The Corporation may make byelaws for the purpose of preventing fire in any building or premises supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

Nothing in this section or in any byelaw made thereunder shall apply to any building or premises of the London Midland and Scottish Railway Company or to the wires apparatus or fittings therein.

A.D. 1924.

160. For the purposes of riddling and washing mussels the Corporation may appoint or provide on or near the seashore one or more suitable and convenient place or places as far as possible free from contamination for the deposit of mussels landed or brought within the borough for such purposes and public notice shall be given by the Corporation of the appointment or provision of such place or places of deposit.

Power to Corporation to provide place for riddling mussels &c.

After the appointment or provision of such a place or places to the satisfaction of the Lancashire and Western Sea Fisheries Joint Committee all mussels landed or brought within the borough shall be brought to such place or places for the purpose of being riddled and sorted and the mussels below the legal size for the time being in force shall forthwith be taken back and deposited on the fishery whence the same were gathered.

Any person contravening any of the provisions of this section shall be liable to a penalty not exceeding forty shillings.

161. The Corporation may convert any clinkers or other refuse or surplus material or product arising in connection with their undertakings into slabs of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the borough fund.

Power to manufacture slabs &c.

162. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between

In executing works in default of owner or occupier no liability for damages to

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A.D. 1924.
—
be incurred
except in
case of
negligence.

themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Penalty on
occupiers
refusing
execution
of Act.

163. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Parts IV. V. and VI. of this Act 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 forty shillings 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 works.

Power of
entry.

164. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Parts IV. V. and VI. of this Act as if those purposes had been mentioned in the said section 102.

General
provisions
as to
byelaws.

165. 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 this Act Provided that as respects byelaws made under the section of this Act of which the marginal note is "Byelaws as to promenade &c." the Secretary of State shall be substituted for the Minister of Health and provided also that this section shall not

apply to byelaws made under the section of this Act of which the marginal note is "Byelaws as to wires apparatus and fittings" and that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been given thereto. A.D. 1924.
—

166. 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 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 *primâ 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. Evidence of
appoint-
ments
authority
&c.

167.—(1) Where any notice or demand under this Act or under any local Act or Order or any 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. Authentica-
tion and
service of
notices &c.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act 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.

168. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of As to breach
of conditions
of consent of
Corporation.

[Ch. Iv.] *Morecambe Corporation* [14 & 15 GEO. 5.]
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any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Consents of Corporation to be in writing.

169. 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.

Apportionment of expenses in case of joint owners.

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

Damages and charges to be settled by court.

171. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Recovery of demands.

172. 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.

As to appeals.

173. 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 Parts IV. V. or VI. of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under

the provisions of this Act 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 or a petty sessional court the Corporation may in like manner appeal. A.D. 1924.

174. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough any summons or warrant issued for the purposes of any 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. Several sums in one summons.

175. Notwithstanding anything contained in the second schedule of the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage. Service of summons on members of council.

176. 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.

177. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

178. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the borough fund or to such other fund as the Corporation shall direct. Penalties to be paid over to treasurer.

[Ch. 1v.] *Morecambe Corporation* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924.
—
Compensa-
tion how
to be
determined.

179. 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.

Powers
of Act
cumulative.

180. 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.

Application
of Arbitra-
tion Act
1889.

181. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Saving for
indictments
&c.

182. 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.

Application
of section
265 of Pub-
lic Health
Act 1875.

183. 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 any local enactment as if the same were re-enacted therein.

Judges not
disqualified.

184. 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.

185. The Corporation shall not under the powers of this Act construct on under or over the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

A.D. 1924.
—
Works below high water mark not to be constructed without consent of Board of Trade.

186. In case of injury to or destruction or decay of any work or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to the Corporation of Trinity House for directions as to the means to be taken and the Corporation shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision against danger to navigation.

187. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

A.D. 1924.

—
Crown
rights.

188. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Saving
rights of
Duchy of
Lancaster.

189. Nothing contained in this Act shall extend or operate to authorise the Corporation to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the chancellor for the time being of the said Duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said Duchy.

Costs of Act.

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

The SCHEDULES referred to in the foregoing Act. A.D. 1924.

THE FIRST SCHEDULE.

ARTICLES OF AGREEMENT made the sixth day of December one thousand nine hundred and twenty-three between the Reverend JOSEPH UDELL NORMAN BARDSLEY vicar of the parish of Lancaster in the county of Lancaster (hereinafter called "the Vicar") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF MORECAMBE in the said county (hereinafter called "the Corporation") of the other part.

WHEREAS by an Act of Parliament passed in the fifth year of the reign of King George IV. chapter 28 intituled an Act to commute for a corn rent certain tithes and dues payable to the vicar of the parish of Lancaster in the county of Lancaster it was enacted that an annual corn rent of one thousand three hundred and fifty-eight pounds variable as thereafter mentioned should be raised by the fifteen townships or divisions named therein in the several sums or after the proportions thereafter mentioned that is to say (among others) the township or division of Poulton Bare and Torrisholme in the said county £85 and that the said several apportioned annual sums should be payable to the said vicar of Lancaster and his successors in the vestry room of the parish church of Lancaster aforesaid by one annual payment on the feast day of Saint Thomas in every year free and clear of and from all taxes rates dues and assessments whatsoever and that every such annual payment should be taken to be for and in respect of the year ending with the day whereon such payment was thereby directed to be made :

And whereas the said borough of Morecambe is wholly contained within and is coterminous with the said township or division of Poulton Bare and Torrisholme :

And whereas no variation of the said corn rent has ever been made under the provisions of the said Act :

And whereas it has been agreed between the parties hereto subject to the consents and sanctions and confirmation hereinafter provided for that the said annual sum of £85 raisable by the said township or division of Poulton Bare and Torrisholme in respect of the messuages lands tenements grounds or hereditaments contained in the same township or division shall cease to be so raisable and shall be commuted for and in consideration of the payment by the Corporation as hereinafter provided of the sum of £1600:

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Now it is hereby mutually agreed between the parties hereto as follows (that is to say) :—

1. The Corporation shall on or before the twenty-first day of December one thousand nine hundred and twenty-four pay to the Governors of Queen Anne's Bounty or in such manner as shall be directed by the Act of Parliament herein mentioned the sum of £1600 subject to such consents and sanctions as hereinafter required being obtained to the intent that the said sum shall be invested and the income thereof be paid to the vicar of Lancaster for the time being.

2. From and after the payment of the said sum of £1600 no part of the annual corn rent under the before recited Act shall be chargeable upon or payable out of or in respect of any messuages lands tenements grounds or hereditaments within the said township or division of Poulton Bare and Torrisholme or within the said borough or by the owners or occupiers of or any other persons in respect of such messuages lands tenements grounds or hereditaments nor shall the annual sum of £85 referred to in the said Act or any part thereof be payable or paid by the overseers of the poor for the said township or division of Poulton Bare and Torrisholme or the said borough of Morecambe or by any other person or persons.

3. The Corporation shall as soon as circumstances will admit promote a Bill in Parliament and shall use their best endeavours to obtain the sanction of Parliament thereto for the purpose of ratifying confirming and giving effect to the provisions of this agreement.

4. The Vicar shall apply for the consent of the Lord Bishop of the Diocese of Manchester the Ecclesiastical Commissioners for England the Governors of Queen Anne's Bounty the Patron of the vicarage of Lancaster and such other bodies persons or bodies corporate (if any) as may be necessary to give effect to this agreement and shall use his best endeavours to obtain the same.

5. This agreement is subject to such alterations as Parliament may think fit to make therein but if any material alteration in this agreement shall be made by Parliament it shall be competent to either party hereto by notice in writing to the other to avoid this agreement.

6. If the Parliamentary sanction referred to in clause 3 or the consents referred to in clause 4 or such of them as may be necessary or any of them shall not have been obtained on or before the thirty-first day of July one thousand nine hundred and twenty-four or such later date as the parties hereto shall mutually agree upon then and in either of the said events this agreement shall be null and void.

7. If the said sum of £1600 or any part thereof shall remain unpaid after the said twenty-first day of December one thousand

A.D. 1924.

nine hundred and twenty-four then the same or so much thereof as shall for the time being remain unpaid shall bear interest at the rate of £5 per centum per annum from the said twenty-first day of December one thousand nine hundred and twenty-four until actual payment.

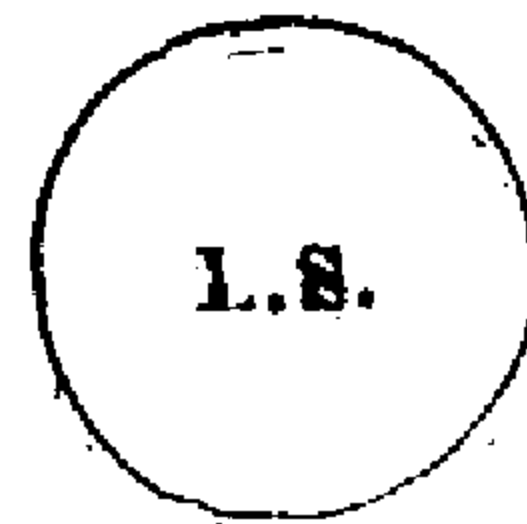
8. The Vicar will produce for inspection a King's printer's copy of the said Act of 5 George IV. ch. 28 and a certified extract from the Bishop's Registry of the entry of his induction and institution to the said vicarage of Lancaster but save as aforesaid shall not be required to produce or deduce any title to the annual corn rent hereby agreed to be commuted.

9. Provided always and it is hereby further agreed that nothing in this agreement contained shall in any manner abridge affect prejudice or extinguish the right or title of the said Vicar to the said sum of £85 which shall become due on the twenty-first day of December one thousand nine hundred and twenty-four up to which time the said annual sum shall continue to be payable to the said Vicar or the arrears (if any) of that sum which shall remain unpaid after that day and he shall retain use and exercise all and every such and the like powers and remedies for the recovery of such arrears until the full payment thereof as to him by virtue of the said Act or by law appertain.

10. The Corporation shall pay and indemnify the Vicar against all costs charges and expenses properly and reasonably incurred by him of the negotiation for and preparation of this agreement and of obtaining such consents and sanctions and certified copy as aforesaid and of and incident to the appearance of the Vicar by agent or counsel before any Committee of either House of Parliament if such attendance shall be required or be necessary.

In witness whereof the Vicar has hereunto set his hand and seal and the Corporation have caused their corporate seal to be hereunto affixed the day and year first above written.

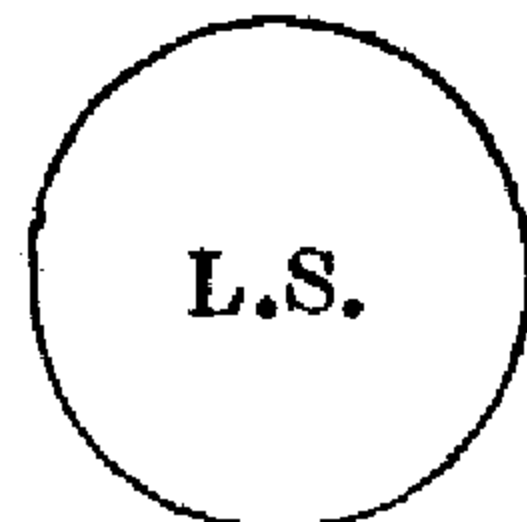
Signed sealed and delivered by
the said JOSEPH UDELL
NORMAN BARDSLEY in the
presence of—



J. U. N. BARDSLEY.

CHARLES GIBSON Solicitor,
Lancaster.

The common seal of the mayor
aldermen and burgesses of
the borough of Morecambe
was hereunto affixed by
ROBERT B. SIDDLE Mayor
in the presence of—



J. ENTWISTLE Town Clerk.

A.D. 1924.

THE SECOND SCHEDULE.

Description of the lands which the Corporation may purchase acquire lease hold use and appropriate for the purposes of games and recreation under the section of this Act of which the marginal note is "Power to acquire and use lands for golf and other games."

The fields numbered as follows on the $\frac{1}{2500}$ Ordnance survey map (1913 edition) :—

338 346 347 512 513 524 525 526 527 528 529 530 531
532 533 534 535 536 537 538 539 540 545 546 547 548
549 550 551 552 553 554

which said fields are comprised within a boundary commencing at the easterly terminus of Victoria Esplanade and following the line of the public footpath leading towards Hest Bank to the easterly boundary of the borough thence following such boundary to a point where the same intersects the now closed public footpath formerly leading from Hest Bank to Morecambe thence in a north-easterly direction to the boundary fence of the London Midland and Scottish Railway turning thence in a southerly direction to the south corner of Field No. 346 above referred to thence along the south boundary of such field to its westerly corner turning thence in a north-easterly direction along the north-west boundary of the said field and thence in a northerly direction along the westerly side of Field No. 524 above referred to to its junction with an occupation road thence following the northerly and north-west side of such road and the existing public footpath leading from Morecambe to Hest Bank to the south corner of Field No. 539 above referred to turning thence in a northerly direction along the west side of such field to a point opposite the northerly side of the house known as "Medina" Elm Grove thence in a westerly direction to the back of such house thence in a northerly direction to the point of commencement.

THE THIRD SCHEDULE.

DUTIES OF OVERSEERS TRANSFERRED TO ANY GUARDIAN OF THE PARISH.

Subject Matter.	Act &c. imposing the Duty.
Poor relief in sudden and urgent necessity.	Poor Law Amendment Act 1834 section 54.

DUTIES OF OVERSEERS TRANSFERRED TO TOWN CLERK.

Subject Matter.	Act &c. imposing the Duty.
Liquor licences	Licensing (Consolidation) Act 1910 sections 15 and 25.
Pawnbrokers' certificates	Pawnbrokers Act 1872 section 42.
Notices under Education Act	Education Act 1921 section 161.
Army Reserve	Reserve Forces Act 1882 section 24.
Territorial Army	Territorial and Reserve Forces Act 1907 section 19.
Air Force Reserve Auxiliary Air Force	{ The two last-mentioned enactments as applied by or under any other Act.

THE FOURTH SCHEDULE.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER PARTICULARS TO BE RENDERED UNDER THE MORECAMBE CORPORATION ACT 1924.

1. Name of the street or road &c. in which the property is situate	-
Number of the house	-
(If not numbered state the name by which known.)	-
Whether occupied with or without stables or other premises as part of the same property	-
The quantity of land (if any) and how used	-

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2. Full Christian name and surname of occupier - - - -	
3. Name and address of owner or immediate lessor - - - - (If not known state the name and address of the agent or person to whom the rent is paid.)	
4. Whether the property is occupied— (a) Wholly as a private residence - - - - - or (b) Partly as a dwelling-house and partly for trade or business purposes - - - - or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - - - (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (d) Nature of the business (if any) -	(a) (b) (c) (d)
5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - -	
6. Amount of rent - - - - - or If ground rent only is paid state its amount - - - - -	£ per £ per
7. Whether the property is held under lease or agreement for a period of years - - - - - or By the year quarter month or week - - - - -	
8. (a) Date of commencement of term of lease or agreement - - - - (b) Term of years for which granted - - - - (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - (If none insert "None.")	(a) (b) (c) Amount paid for lease £

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<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated <i>i.e.</i> the amount at which the property is worth to be let by the year the owner keeping it in repair - - - - -</p>	<p>Annual Value £</p>
<p>10. (a) Amount of land tax (if any) - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 - (State in each case whether borne by the landlord or tenant.)</p>	<p>(a) £ . Borne by the (b) £ . Borne by the</p>
<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -</p>	
<p>12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - - (If each undertakes to bear part only of the cost of repairs state the particulars.)</p>	

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

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