



CHAPTER xxviii.

An Act to empower the mayor aldermen and citizens of Oxford to construct a street improvement to enlarge their powers in regard to their water undertaking and to make further and better provision for the improvement health local government and finances of the city of Oxford and for other purposes. A.D. 1925.

[28th May 1925.]

WHEREAS the city of Oxford (in this Act called "the city") is a municipal borough under and subject to the Municipal Corporations Act 1882 and is also a county borough under the Local Government Act 1888 and the mayor aldermen and citizens of Oxford acting by the council (in this Act called "the Corporation") are the urban sanitary authority of the city under the Public Health Act 1875 :

And whereas it is expedient for the improvement of the city to empower the Corporation to construct a street improvement and to acquire lands for that purpose :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to streets buildings sewers drains and watercourses in the city and that further and better provisions should be made for the health local government and improvement of the city and that the powers of the Corporation in relation thereto should be enlarged and extended as in this Act provided :

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— And whereas all the expenses of the Corporation whether as a municipal or sanitary authority or otherwise are payable out of the borough fund and borough rate or out of the district fund and general district rate of the city subject so far as the last-mentioned rate is made for the purposes of the Public Health Acts to provisions for differential rating in certain cases or subject to the provisions of the Oxford Corporation Act 1890 out of the municipal rate as defined by that Act and it is expedient that all the said expenses of the Corporation should be defrayed out of the borough fund and borough rate which should henceforth be known as the city fund and city rate and that in relation thereto the provisions contained in this Act for differential rating in certain cases be enacted :

And whereas the city now comprises sixteen parishes included in the unions of the guardians of the poor within the city of Oxford Abingdon and Headington respectively and it is expedient that the said parishes should be united into two parishes and included in the unions first and last above-mentioned :

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Corporation :

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 street im-	£
provement authorised by this Act	- 5,000
For the acquisition of lands therefor	- 6,500

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 a plan and section showing the line and level of the street improvement authorised by this Act the plan showing also the lands required or which

may be taken 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 such lands were duly deposited with the clerk of the peace for the county of Oxford and with the clerk of the peace for the city and county borough of Oxford which plan section and book of reference are in this Act respectively referred to as the deposited plan section 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.

1.—(1) This Act may be cited as the Oxford Corporation Act 1925. Short titles.

(2) This Act shall be construed as one with the Oxford Corporation Act 1890 and that Act (as varied by this Act) and this Act may be cited together as the Oxford Corporation Acts 1890 and 1925.

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

Divison of
Act into
Parts.

- Part I.—Preliminary.
- Part II.—Street improvement and lands.
- Part III.—Streets buildings sewers drains &c.
- Part IV.—Infectious disease and sanitary provisions.
- Part V.—Slaughter-houses.
- Part VI.—Food.
- Part VII.—Baths parks &c.
- Part VIII.—Vehicles police &c.
- Part IX.—Water.
- Part X.—Consolidation of parishes.
- Part XI.—Rating.
- Part XII.—Financials
- Part XIII.—Miscellaneous.

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Incorporation of
Lands
Clauses
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) except section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) are hereby incorporated with and form part of this Act:

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.

Interpreta-
tion.

4. In this Act the several words and expressions to which meanings are assigned by the Acts 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 city” means the city of Oxford;

“The Corporation” means the mayor aldermen and citizens of Oxford;

“The council” means the council of the city;

“The town clerk” “the treasurer” “the engineer” “the medical officer” and “the inspector of nuisances” mean respectively the town clerk the treasurer the engineer the medical officer of health and the inspector of nuisances of the city and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any of such officers;

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same and in the application of the Public Health Acts to the city the expression “sanitary inspector” in those Acts shall mean the inspector of nuisances;

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

- “ Daily penalty ” means a penalty for each day on which any offence is continued by a person after conviction; A.D. 1925.
- “ Infectious disease ” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the city;
- “ 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 drugs and water used for food or drink by man;
- “ Hackney carriage ” shall have the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus as defined in the Town Police Clauses Act 1889;
- “ The former Acts ” means the Acts and Provisional Orders confirmed by Parliament relating to the city as set out in the First Schedule to this Act except any part of any such Acts or Orders repealed by any subsequent Act or Order and each of such Acts and Orders is in this Act referred to as the Act or the Order of the year in which the same was passed or made;
- “ 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;
- “ The water limits ” means the limits within which the Corporation are for the time being authorised to supply water;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation

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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;

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

“ Revenues of the Corporation ” includes 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.

STREET IMPROVEMENT AND LANDS.

Power to
construct
street
improve-
ment.

5. Subject to the provisions of this Act the Corporation may within the city make and maintain in the line and according to the levels shown on the deposited plan and section the following street improvement (namely)—

A widening and improvement of London Road between George Street and Cherwell Street;

together with all necessary or proper works improvements junctions connections approaches retaining walls sewers drains and conveniences connected therewith or incident thereto and may enter upon take use and hold such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the purposes of such street improvement.

6. In constructing the street improvement authorised by this Part of this Act the Corporation may deviate from the line thereof as shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and from the levels thereof as shown on the deposited section to any extent not exceeding three feet.

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Limits of
deviation.

7. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plan the Corporation may in connection with the street improvement 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 the said street improvement and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such street improvement and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe or electricity or telephone 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 :

Subsidiary
works.

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.

8. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of December one thousand nine hundred and twenty-eight.

Period for
compulsory
purchase
of lands.

9. If the street improvement authorised by this Part of this Act and delineated on the deposited plan is not completed by the thirty-first day of December one thousand nine hundred and thirty the powers granted by this Part of this Act for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for
completion
of street
improve-
ment.

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Correction
of errors in
deposited
plan and
book of
reference.

10. 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 plan 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 city 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 city 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 plan 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.

Compensa-
tion in case
of recently
acquired
interest.

11. 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 first day of November one thousand nine hundred and twenty-four 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.

Temporary
stoppage
of streets.

12.—(1) The Corporation during the exercise of the powers of this Part of this Act may break up and also temporarily stop up and interfere with any street for the purpose of executing such powers and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bonâ fide going to or from any house in the street from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers bonâ fide going to or from any such house. A.D. 1925.
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13. The provisions of the following sections of the Act of 1890 shall with any necessary modifications extend and apply to the exercise of the powers of this Part of this Act as if the same were re-enacted in this Act (that is to say) :—

Applica-
tion of
sections
of Act of
1890 to this
Part of
Act.

Section 101 (Power to take easements &c. by agreement);

Section 105 (Power to retain sell &c. lands);

Section 106 (Proceeds of sale of surplus lands).

14.—(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 city 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.

Further
powers for
acquisition
of lands.

(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

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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 city fund and city rate.

(4) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

- (a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health; or
- (b) in such other manner as may be approved by the Minister of Health.

PART III.

STREETS BUILDINGS SEWERS DRAINS &C.

Power to
define
future line
of existing
streets.

15.—(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 engineer 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.

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(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 by the Corporation under subsection (2) or subsection (3) respectively of this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 and in estimating the amount

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A.D. 1925. — 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.

16.—(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 city or a continuation of a main approach or means of communication between main approaches to the city 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 city;

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.

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(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 by-law in force within the city 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 by-law for the time being in force within the city 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.

17.—(1) Every person who intends to form a new street shall in addition to the information required to be

Building
line in
streets.

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A.D. 1925. — supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the city distinctly define and mark on a plan to be drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line unless within six weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street already formed upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation.

(5) In the event of the Corporation requiring as a condition for their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or in the event of the Corporation prescribing a building line at a greater distance from the centre of a street already formed than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Corporation

shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

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

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration.

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

Appeal to
court of
summary
jurisdiction.

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

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

Widening
of roads
when only
one side is
built upon.

(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

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A.D. 1925. — 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
intersecting
streets.

20. 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.

Agreements
with respect
to streets
adjoining
city
boundary.

21.—(1) On and from the first day of January one thousand nine hundred and twenty-six the Corporation on the one hand and the local or road authority having jurisdiction in any area adjoining the city on the other hand may enter into and carry into effect agreements for and with respect to the making widening improvement maintenance repair sweeping cleansing lighting or watering of any street or road along which the boundary of the city runs.

(2) For the purpose of carrying into effect any such agreement any party thereto shall subject to the provisions of the agreement have with respect to any street or road or part thereof outside their jurisdiction all the powers and be subject to all the obligations and liabilities of the party to the agreement within whose jurisdiction the street or road or part thereof or lands aforesaid are situate and such first mentioned party may bear or contribute towards the cost of the making widening improvement maintenance repair sweeping cleansing lighting or watering of such street or road or part thereof and apply the like funds and rates and exercise the like powers of borrowing money upon the security of rates or otherwise in all respects as though such street or road or part thereof had been within their jurisdiction.

(3) Any such agreement as aforesaid may be carried into effect notwithstanding the provisions of any order relating to any street or road or part thereof referred to in the agreement and made under the Highway Act 1835 or under any Act repealed or superseded by that Act and where any such street or road or part thereof is widened or otherwise altered pursuant to any such

agreement as aforesaid the order shall (unless and except so far as may be otherwise provided by the agreement) extend and apply to the street or road or part thereof as so widened or altered. A.D. 1925.

22. The Corporation may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished. Exchange of parts of streets disused.

23.—(1) The Corporation may for the purposes of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new streets to be constructed are submitted to the Corporation for approval require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for the purposes and the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or land be determined on the application of the Corporation or any person by an arbitrator to be appointed by the Minister of Health and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent. Adjustment of boundaries of estates.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and

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conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister of Health and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

Power to
Corporation
to grant
licences for
bridges
over streets.

24.—(1) The Corporation may grant to the owner or with the consent of the owner to the lessee or occupier of any premises abutting upon any street repairable by the inhabitants at large or any public highway a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without trucks by means of a bridge over such street or highway for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given on such terms and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit. Provided that—

(a) No fine rent or other sum of money (except a reasonable sum in respect of legal or other expenses incurred) shall be payable for or in respect of such licence;

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(b) Any licence given under this section shall not in any way interfere with the convenience of persons using such street or affect the rights of the owners of the property adjoining and up to the line of the street or highway;

(c) It shall be a condition of every such licence that the licensee shall at the request of the Corporation and at his own expense remove or alter such bridge in such manner as the Corporation require in the event of their considering such removal or alteration necessary or desirable in connection with the carrying out of improvements to such highway at any time and the decision of the Corporation that such removal or alteration is necessary or desirable shall be final and conclusive;

(d) In the event of the construction removal or alteration of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of over-ground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1924 be deemed part of the street or road which it crosses.

(2) If any person shall construct a bridge over any such street or highway without such licence or shall construct or use the same otherwise than in accordance with the terms and conditions of the licence or shall fail to remove or alter the same when required so to do under the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(3) In this section the expression "the owner" shall include the Corporation where they are the owners of any such premises as are mentioned in subsection (1) hereof.

25. If the Corporation disapprove of the proposed direction or position relatively to the nearest streets of any new street as shown on the plan thereof deposited under any byelaws made by the Corporation they shall

As to direction or position of new streets.

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A.D. 1925. — within thirty days after delivery or deposit of such plan to or at the office of the engineer give notice to the person delivering or depositing such plan of the particulars of such disapproval and of the requirements of the Corporation in respect of the direction or position as aforesaid of the proposed street and in the event of such notice of disapproval being given it shall not be lawful to begin to make or lay out the new street until an amended or new plan thereof has been delivered or deposited as aforesaid and approved by the Corporation.

Any person who begins to make or lay out any new street in contravention of this section or who without the written consent of the Corporation deviates from any approved plan shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding forty shillings for every day during which the offence is continued after written notice thereof from the Corporation :

Provided that if within thirty days after receiving notice of the requirements of the Corporation and before proceeding further in the matter the person delivering or depositing such plan gives written notice to the Corporation alleging that he will sustain loss or damage by the decision of the Corporation under this section and claiming compensation from the Corporation in respect thereof the Corporation may either waive or insist on their requirements as they think fit and in the latter event any claim for compensation shall in default of agreement between such person and the Corporation be referred to and settled by arbitration and in manner provided by the Lands Clauses Acts In any such reference the tribunal shall have regard to any increased value which will in the opinion of the tribunal be given to any property of such owner by reason of the execution of the requirements of the Corporation and any such reference may on the application of either party to the reference be made a rule of the Supreme Court.

Laying out
of streets
by Corpora-
tion.

26. The Corporation may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Corporation may maintain in good order any grass margins trees gardens guards and fences in any such street and alter

or renew the same and may add to the carriageway or footway of any such street any part of such grass margins parts planted with trees or parts laid out as gardens as aforesaid and may alter or re-arrange the parts of any street laid out as carriageway or footway respectively :

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Provided that nothing in this section contained shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street.

27. The Corporation may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants and seats Provided that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

Power to provide seats &c.

28. Where premises abutting upon any street are so situate that the surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within fourteen days after service of a notice by the Corporation for that purpose execute such works as may be reasonably practicable to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

For preventing water flowing on footpath.

29. The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon any private street communicating with any public street shall so fence off channel or embank their lands as to prevent soil sand clay cinders or other like substances from such lands from falling upon or being washed or carried into any public street or sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully Provided that in the event of an offence being committed under this section the Corporation shall give to the owners or occupiers fourteen days' notice in writing requiring them

For preventing soil &c. from being washed into streets.

A.D. 1925. — to comply with the provisions of this section and any person offending against this section after the expiration of such notice as aforesaid shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

For the purposes of this section "public street" means so much of a street repairable by the inhabitants at large as is sewered and "private street" means a street not so repairable :

Provided that such owner or occupier shall not be responsible for any soil sand clay cinders or other substances from land other than his own although such soil sand clay cinders or other substances may have passed over the land of such owner or occupier. Provided further that this section shall not apply to any land of a bonâ fide agricultural character or to any woodland.

Courts to be
flagged and
drained.

30.—(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.

Lopping of
trees over-
hanging
highways.

31.—(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.

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(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.

32.—(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:—

Height of
fences and
hedges at
street
corners.

- (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

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A.D. 1925. 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.

(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.

As to pro-
jections
over streets. **33.**—(1) Every notice board sign bracket or other projection which shall overhang any street shall be securely fixed and maintained by the owner thereof.

(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.

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34.—(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 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.

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(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 erection of buildings at street corners.

35.—(1) The Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed at or within a distance of fifteen yards from the corner of any street. The line which in any case the Corporation propose so to prescribe and define shall be definitely marked and shown on a plan to be signed by the town clerk and deposited with the engineer and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to the owners of the premises affected. No new building erection excavation or obstruction shall be made or remade nearer to the centre of the street or streets at such corner than such line except with the consent in writing 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 by the owner shall purchase the land lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Acquisition of Land (Assessment of Compensation) Act 1919 :

Provided that the Corporation shall not be required by any owner to purchase any such land until he shall have completed subsequent to the prescription of a line as aforesaid a new building on premises immediately behind such line.

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

building compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept. A.D. 1925.

(4) If after any such line shall be so defined and prescribed as aforesaid any person shall act contrary to the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty of the like amount.

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

36.—(1) Before placing or erecting any hoarding or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding or fence proposed to be so placed or erected. As to erection of hoardings &c. at street corners.

(2) If the placing or erection of such hoarding or fence would constitute a danger to the traffic in the streets of the City upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within six weeks of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within six weeks of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

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

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

Definition
of corner of
street.

37. For the purposes of the last two preceding sections of this Act the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

As to repair
of hoard-
ings.

38. 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.

Power to
determine
width of
carriageway
and foot-
ways.

39. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the city repairable by the inhabitants at large. Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

Street
orderly
bins.

40. 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:

Provided that the Corporation shall not place or maintain any bin or receptacle in such a position as to interfere with or render less convenient the access to or

exit from any station or depot of a railway company nor except with the consent in writing of that company on any bridge carrying any street or road over the railway of such company. A.D. 1925.

41. Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding five pounds shall be recoverable summarily as a civil debt. Compensation for injuring lamps &c.

42. The Corporation may erect or fix street fire alarms in such positions in any street road or public place within the City as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869. Fire alarms.

43. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds. As to fire plugs.

44.—(1) If the medical officer is of opinion that any building proposed to be erected in the City would if erected— Prevention of obstructive buildings.

(a) stop ventilation or otherwise make or conduce to make other buildings in its proximity to be in a condition unfit for human habitation or dangerous or injurious to health; or

(b) prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

he may make a representation to the Corporation to that effect stating that in his opinion it is inexpedient that the proposed building should be erected.

(2) The Corporation on receiving any such representation shall cause a report to be made to them respecting the circumstances of the case and the cost of acquiring

A.D. 1925. — the land upon which such building is proposed to be erected and on receiving such report shall take into consideration the representation and report and if they decide to proceed shall cause a copy of both the representation and report to be given to the owner of the said land with notice of the time and place appointed by the Corporation for the consideration thereof and such owner shall be at liberty to attend and state his objections and after hearing such objections the Corporation shall make an order either allowing the objection or directing that such building shall not be erected and such order shall be subject to appeal in like manner as an order of demolition of the local authority under the provisions of Part II. of the Housing of the Working Classes Act 1890.

(3) Where an order of the Corporation prohibiting the erection of a building is made under this section and either no appeal is made against the order or an appeal is made and either fails or is abandoned the Corporation may (and if required so to do by notice in writing from the said owner served within seven days from the last date upon which such owner might have so appealed or from the hearing of such appeal (as the case may be) shall) purchase the land on which the building was proposed to be erected in like manner as if they had been authorised by a special Act to purchase the same and for the purpose of such purchase the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this section and such lands may be purchased at any time within one year after the date of the order or if it was appealed against after the date of the confirmation.

(4) The owner of the land may within one month after notice to purchase the same is served upon him declare that he desires to retain the said land and in such case the owner shall retain the said land.

(5) The amount of any compensation to be paid on the purchase of any land under this section shall in case of difference be settled by arbitration in manner provided by section 41 of the Housing of the Working Classes Act 1890.

As to construction of shops.

45.—(1) (a) Where any part of a building, which is used or adapted to be used as a shop projects for a

distance of seven feet or more beyond the main front of any building of which it forms part and in which any persons are employed or sleep the projecting portion of such shop shall be provided by the owner with a roof constructed of fire-resisting materials not less than five inches thick.

(b) It shall be lawful to construct or place in or upon the roof of the portion of any shop so projecting beyond the main front of the building as aforesaid lantern lights or ventilating cowls Provided that no such lantern light or ventilating cowl shall be constructed or placed so that any part thereof will be at a less distance than six feet from the main front of the building from which the shop projects or within such distance as may be reasonable in the circumstances of the case from any other external or party wall Provided also that the sides of such lantern light or ventilating cowl (except the side facing away from the main building) shall be carried up in fire-resisting materials for two feet above the roof in or upon which it is constructed or placed Provided further that no part of any such lantern light or ventilating cowl shall project above the roof in or upon which the same is constructed or placed to a greater extent than five feet.

(2) The provisions of this section shall extend and apply as well to existing as to new dwellings.

(3) The Corporation may in any case where it is reasonable so to do sanction subject to such conditions (if any) as the Corporation may impose in giving such sanction the exemption of any building from all or any of the provisions of this section If in any case the Corporation refuse to give their sanction under the provisions of this section such refusal shall be deemed to be the withholding of a consent within the meaning of the section of this Act whereof the marginal note is "As to appeals."

(4) Any person who occupies or (being the owner thereof) permits to be occupied—

(a) any new building that does not comply with the provisions of this section;

(b) any existing building that does not so comply after the expiration of one calendar month's notice in

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writing requiring him to execute such works in connection therewith as may be necessary to cause such building to comply with such provisions;

shall (without prejudice to any other proceedings that may be taken against him) be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

As to erection of retaining walls.

46.—(1) Before any person shall erect on any land within the city 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 may be 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 fails 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 five pounds and to a daily penalty not exceeding forty shillings.

Byelaws as to alterations to old buildings.

47. The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission in respect of the alteration of such plans and sections as can be required in relation to the erection of a new building.

Byelaws as to erection of dwelling-houses under continuous roof.

48. The Corporation may make byelaws with respect to—

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space.

49. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the city 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.

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As to restriction of air space.

50.—(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.

Means of escape from buildings in case of fire.

(2)—(a) From and after the first day of January one thousand nine hundred and twenty-six 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.

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(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 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 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 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.

(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.

Neglected
structures.

51.—(1) Where a structure is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option to take down or repair or rebuild such structure (in this section referred to as a "neglected structure") or any part thereof or to fence in the ground upon which it stands or any

part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing. A.D. 1925.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

52.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the direction or the distance to towns railway stations public buildings and other places of a public character. Direction signs.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he gives written

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Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a fine not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

Combined
drains.

53.—(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.

(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.

(3) 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 court may direct. A.D. 1925.

54.—(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 engineer 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. As to houses connected with single private drain.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the city.

(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.

55. 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 engineer shall be paid by the Corporation. Power to require specially enlarged sewer in new street.

56. Where any person has been convicted of causing any drain to be constructed in contravention of section 25 (Penalty on building house without drains in urban district) 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 Power to reconstruct drain if laid in contravention of Public Health Act 1875.

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A.D. 1925. 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.

As to defective drains &c.

57.—(1) In any case where it appears to the medical officer or engineer or inspector of nuisances that any drain water-closet or soil pipe is stopped up or otherwise defective the medical officer or engineer or inspector of nuisances 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.

58. 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 engineer 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

59.—(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 land 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.

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in certain cases.

(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.

60.—(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.

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Prohibiting
entry of
petrol &c.
into sewers.

61.—(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 1 to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

Wilful
damage to
drains
water-
closets &c.

62. If any person cause any drain water-closet 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.

Partial
saving for
railway
companies.

63. Nothing in this Part of this Act except the sections whereof the marginal notes are:—

For preventing water flowing on footpath;

For preventing soil &c. from being washed into streets;

Lopping of trees overhanging highways;

As to projections over streets;

As to erection of hoardings &c. at street corners;

Definition of corner of street;

As to repair of hoardings;

Means of escape from buildings in case of fire;

Neglected structures;

A.D. 1925.

Direction signs;

Prohibiting entry of petrol &c. into sewers;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any 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 purposes (other than for a dwelling-house) of their undertaking with the authority of Parliament.

64. The provisions of the following sections of the Act of 1890 shall with any necessary modifications extend and apply to the exercise of the powers of this Part of this Act as if the same were re-enacted in this Act (that is to say):—

Application of provisions of Act of 1890 to this Part of Act.

Section 25 (Buildings abutting on streets);

Section 41 (Corporation may alter &c. buildings contrary to Act);

Section 83 (This Part not to extend to River Thames &c.).

PART IV.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

65.—(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.

Power to close Sunday schools and exclude children from entertainments.

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

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Restriction
on attend-
ance of
children at
Sunday
schools and
places of
assembly
when infec-
tious disease
prevails.

66.—(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 city 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.

Corporation may
supply antidotes
against in-
fectious disease.

67. The Corporation may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Extended
meaning of
“infectious
disease” for
certain pur-
poses.

68. 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.

Compensa-
tion to per-
sons ceasing
employ-
ment.

69. 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.

As to filthy
premises.

70.—(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. A.D. 1925.

(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.

71.—(1) If the medical officer or inspector of nuisances 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 inspector of nuisances 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 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

A.D. 1925. — 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.

72.—(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.

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

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

73.—(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 (Power to declare a business to be an offensive trade) 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—

(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; A.D. 1925.

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 be given so as to continue in force for such period only as the Corporation may prescribe by such consent and the said 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.

74.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 (Power to declare a business to be an offensive trade) of the Public Health Acts Amendment Act 1907 and by this Act and in the opinion of the Corporation it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade. Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation from which the person complained of may appeal to a court of summary jurisdiction within two months from the service of any such notice as aforesaid. Discontinu-
ance of
offensive
trade.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Corporation as may be agreed upon between the Corporation and such person or as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Corporation with reference to offensive trades.

Disinfection in case of tuberculosis.

75.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation or any vessel or boat used for the like purpose) would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and

disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. A.D. 1925.

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

(d) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable on summary conviction to a penalty of five pounds.

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

(3) If any person sustains any damage by reason of the negligent exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of such compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

(4) The person having the charge management or control of any building which is used as an hotel boarding-house or lodging-house and in which there is or has been any person suffering from tuberculosis shall so soon as he becomes aware thereof give notice to the medical officer.

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Removal
of person
suffering
from pul-
monary
tubercu-
losis to
hospital.

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

(2) The medical officer shall give to the person so suffering or some person having charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) (i) Where—

(a) Any person suffering as aforesaid is removed to any such hospital or place as aforesaid under an order made under this section; or

(b) Any person resident in the city and suffering as aforesaid voluntarily goes for treatment to any hospital or place for the reception of the sick;

the Corporation may if they think fit and if satisfied that the necessities of the case so require make payments for or towards the maintenance of any relative of or person actually dependent on the person so suffering.

(ii) On the hearing of any application under this section the court shall take into consideration the amount necessary for such maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependents.

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

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

77. 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.

Prohibition on infected person carrying on business.

78. 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:

Special provisions to prevent spread of infectious disease

Provided that in any proceeding under this section a certificate purporting to be under the hand of the head

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A.D. 1925. — 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 unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

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

79. 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.

80. 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.

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

81. 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 city 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 city 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 city

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):—

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- (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 city medically examine any person found in any common lodging-house in the city 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 as aforesaid to every keeper of a registered common lodging-house in the city 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.

82.—(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

Power to close infectious common lodging houses.

A.D. 1925: 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.

83.—(1) The medical officer or any person provided
with and if required exhibiting the authority in writing
of the medical officer may within the city 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.

(2) If the person to whom any such notice as afore-
said 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. A.D. 1925.

(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.

84.—(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 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. Cleansing of
verminous
persons.

(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.

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(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 or any vessel or boat used for human habitation.

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

Byelaws as
to stables
&c.

85. 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.

Regulation
dustbins.

86.—(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.

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

(3) 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. A.D. 1925.

(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 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.

(7) Nothing contained in this section shall apply to or in respect of any premises (other than a dwelling-house) belonging to a railway company.

87.—(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 city 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. Public notice to be given of provisions of Part IV. of Act.

(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.

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PART V.

SLAUGHTER-HOUSES.

Power to
close
slaughter-
houses if
injurious to
public
health.

88.—(1) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the city which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises :

Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements in regard thereto and if within the said period of three months the owner or occupier of such slaughter-house or either of them shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation :

Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister of Health by that Minister and unless and until that Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this

section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughterhouse which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

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(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

PART VI.

FOOD.

89.—(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.

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.

90.—(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 water-closet earth-closet 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 ;

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- (b) No drain or pipe for carrying off faecal or sewage matter shall have any inlet or opening within such room shop or other part of the building and no gully or water-closet shall be placed in such a position that offensive odours from such gully or water-closet 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 intervals and whenever so required by the Corporation on the report of the medical officer or the inspector of nuisances 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.

91.—(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

For regula-
ting manu-
facture and
sale of ice
cream &c.

(b) in the manufacture sale of 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.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the inspector of nuisances 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 inspector of nuisances 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

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(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.

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

92.—(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 inspector of nuisances 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.

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

93.—(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 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.

(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.

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(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.

94.—(1) Where it is shown that any animal or article liable to be seized under section 116 (Power of medical officer to inspect meat &c.) 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 (Power of justice to order destruction of unsound meat &c.) 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.

(2) Where any animal or article of food has been condemned by a justice under the said section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section) 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 the said 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 the said 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 inspector of

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Provisions
as to re-
tailers of
milk.

95. The provisions of section 34 (Power for Privy Council to make orders relative to dairies cowsheds and milkshops) of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Corporation under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the city for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets.

Byelaws as
to food.

96.—(1) 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.

(2) At least one month before applying to the Minister of Health for confirmation of any byelaws made under this section applicable to the storage or transport by a railway company of any article intended for the food of man the Corporation shall give notice to the company affected of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the company shall be entitled to make representations to the Minister with regard thereto.

(3) Before confirming any byelaw made under this section as regards any business carried on in any factory or workshop to which the Factory and Workshops Acts 1901 to 1920 apply the Minister of Health shall consult the Secretary of State.

97. Every veterinary inspector of the Corporation may exercise the powers of section 116 (Power of medical officer of health to inspect meat &c.) of the Public Health Act 1875 in the same manner as the medical officer or the inspector of nuisances and the Public Health Acts shall apply within the city as if such veterinary inspector were mentioned in the said section in addition to the medical officer and the inspector of nuisances.

Extension of powers of veterinary inspector to section 116 of Public Health Act 1875.

98. Any person taking or introducing or causing to be taken or introduced any fats which are unfit for the food of man into any premises in which any food for man into the composition of which fat enters is manufactured or prepared for sale or into any premises directly or indirectly connected by a passage pipe or in any other way with any such premises (except so far as such passage pipe or other connection as the case may be are required or used for sanitary or other similar purposes and not in connection with the manufacture or preparation hereinbefore mentioned) shall for each offence be liable to a penalty not exceeding five pounds unless he can prove that such fats were not taken or introduced into such premises for the purpose of being used and have not been used as an ingredient in the manufacture or preparation of any food for man.

Restriction on taking inedible fats into premises where food is prepared.

99.—(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 city 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.

Public notice to be given of provisions of Part VI. of Act.

(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.

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PART VII.

BATHS PARKS &C.

Use of swimming baths &c. for exhibitions and entertainments.

100. The Corporation may close to the public and may reserve the exclusive use of any swimming bath 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 such sums for the exclusive use of such bath or for admission of persons thereto as they may think fit.

Power to let recreation grounds &c. to cricket clubs &c.

101. The Corporation may purchase take on lease or acquire land for the purpose of athletic meetings cricket football and other games and for those purposes or any of them may lay out the whole or any portion of any land so purchased taken on lease or acquired or any portion of any park or place of public resort or recreation set apart by them under the provisions of the Public Health Acts Amendment Act 1907 and may from time to time let to any club company body or person the whole or any portion of such land or any portion of any park or place of public resort or recreation so set apart by the Corporation and may upon such lands or upon the portions of parks or places of public resort or recreation so set apart erect construct and maintain all proper and convenient houses pavilions dressing rooms and other buildings works and conveniences :

Provided that nothing in this section shall empower the Corporation so to let at one and the same time more than fifty per centum of the total area of the parks or places of public resort or recreation for the time being belonging to them or under their control.

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

102. 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 (Powers as to parks and pleasure gardens) 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.

103. 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 or lands used for the purposes mentioned in this Part of this Act and they may also make such charges for the use of chairs and for admission to the public halls concert halls pavilions bandstands conservatories winter gardens assembly rooms reading rooms and conveniences in connection therewith referred to in this Part of this Act as they may deem fit.

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Power to
charge for
admission.

104.—(1) The Corporation may provide or arrange for the provision of bands or the carrying on of suitable concerts entertainments athletic meetings exhibitions and amusements and for the sale of refreshments in any public buildings halls or rooms belonging to them or in any park or recreation ground 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 building belonging to them or any part of such park or recreation ground for the purpose of such concerts entertainments athletic meetings exhibitions 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.

Provision
of bands
concerts
entertain-
ments &c.

(2) The Corporation may in any park or recreation ground vested in them enclose an area for the purpose of any such concert entertainment meeting exhibition or amusement as aforesaid.

(3) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any concert entertainment or performance 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 pay or contribute towards the cost of providing and maintaining in the city and in newspapers published in the city advertisements of any concerts or entertainments given in pursuance of this section.

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

Power to
appoint
officers.

105. 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.

PART VIII.

VEHICLES POLICE &C.

Provisions
as to motor
vehicles let
for hire.

106. The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages except so much of such byelaws as relates to the fixing of fares shall apply to every horse-drawn or motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only. Provided that this section shall not apply to any such vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of time or for journeys under special contract or to an omnibus as defined in the Town Police Clauses Act 1889.

As to public
vehicles
plying for
hire at

107. 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 :

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—
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.

108.—(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 city 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 certifi-
cation 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.

(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.

109. An occasional licence for a public vehicle to ply for hire may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence.

Power to
grant
occasional
licences.

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Power to
make regu-
lations as to
traffic on
carnival &c.
days.

110.—(1) The powers conferred by section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the city on days appointed for carnivals fairs or similar gatherings 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.

(2) The Corporation may delegate their powers under the said section 21 of the Town Police Clauses Act 1847 and under subsection (1) of this section 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 sections shall have the same force and effect as if made or given by the council.

Traffic
control.

111. Where a police constable in uniform in pursuance of any instructions general or special is regulating the traffic at any junction or crossing in any street any person driving or propelling any vehicle who wilfully neglects or refuses to stop the vehicle or to make it proceed or to make it keep to a particular line of traffic when so directed (by word of mouth or sign) by any such police constable in execution of his duty shall on summary conviction be liable in respect of each offence to a fine not exceeding forty shillings or in the case of a second or subsequent conviction to a fine not exceeding five pounds.

Regulations
for con-
trolling
traffic in
certain
areas.

112.—(1) The Corporation may from time to time make regulations prescribing within the central area the routes to be taken by all vehicles or by any particular class or description of vehicles either generally or during particular hours.

(2) No regulations made under this section shall apply to any vehicle ordinarily engaged in the delivery of or collection of goods at or from any premises in the central area whilst so engaged.

(3) No regulation made under this section shall come into operation except with the approval of the Minister of Transport and the said Minister may approve the same with or without modifications or may disallow

the same Provided that before considering any regulation the said Minister shall direct a local inquiry to be held in accordance with the provisions of section 20 (Power to hold inquiries) of the Ministry of Transport Act 1919 and the Corporation shall pay to the said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the said Minister for the services of such person. A.D. 1925.

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

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

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

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

(8) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper published or circulating in the city and otherwise in such manner as may be prescribed by the Minister of Transport.

(9) A copy of any regulations approved under this section purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly approved shall be evidence until the contrary is proved in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(10) For the purposes of this section the central area means the area of the city bounded by the streets known as Walton Street St. John's Road Bevington

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A.D. 1925. Road Banbury Road Parks Road Holywell Street
— Long Wall Street High Street Merton Street Canterbury
Square Bear Lane Blue Boar Street St. Aldate's Street
Speedwell Street Commercial Road Littlegate Street
Wood Street Charles Street Pensons Gardens Prince's
Street St. Ebbe's Paradise Street High Street (St.
Thomas') Hollybush Row Rewley Road Hythe Bridge
Street and Worcester Street (including those streets).

PART IX.

WATER.

Charges for
hose-pipes.

113. Where water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Corporation may if a hose-pipe or other similar apparatus is used charge any additional sum not exceeding one pound per annum and (where more motor cars than one are ordinarily kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first and any sum chargeable under the provisions of this section shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

Mainten-
ance of
common
pipe.

114. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Corporation or other officer duly authorised in that behalf by the Corporation and shall be recoverable summarily as a civil debt.

Interfer-
ence with
valves
pipes and
fittings.

115. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the

Corporation may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

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116.—(1) The Corporation may subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes construct place fix and maintain in or under any street within the city tanks or other receptacles for water for use by the users of road locomotives or motor cars with all necessary or convenient apparatus and appliances (including covers or boxes and pillars or standpipes projecting above the level of the surface of the street) for taking or using water from such tanks or receptacles.

Power to provide water tanks under streets.

(2) The Corporation may make and recover such charges as they may think fit for any water so taken or used and make regulations as to the taking or use of such water and the issuing of permits for such taking or use and the mode of payment of the charges of the Corporation therefor.

(3) If any person shall take or use any water from any such tank or receptacle as aforesaid without being duly authorised so to do by the Corporation he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

(4) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in any street in under or near to which any such tank or other receptacle is constructed or placed signs or directions indicating the position of such tank or other receptacle and the means by which water may be obtained from the same :

Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Corporation shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment.

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(5) The Corporation may in any such street as aforesaid erect place fix and maintain posts or poles for carrying such signs or directions as aforesaid.

(6) The Corporation shall not under the powers of this section construct or place any such tank or receptacle as aforesaid in any street belonging to a railway company or on any bridge carrying any street or road over the railways of any railway company or under any bridge carrying any such railways over any street or road or within ten feet of any abutment of any such bridge or so as to interfere with or render less convenient the access to or exit from any station or depôt of any such company.

(7) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(8) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General or a railway company except with his or their consent in writing.

Revision
of water
rates.

117. On the application of the Corporation or of a local authority having jurisdiction within the water limits the Minister of Health may if satisfied that the circumstances have materially changed make an order varying either by way of increase or decrease the maximum rates for the supply of water authorised by the former Acts :

Provided that in the absence of exceptional reasons the Minister shall not alter the rates at less intervals than every three years.

PART X.

CONSOLIDATION OF PARISHES.

118. In this Part of this Act :—

“The commencement of this Part of this Act” means the first day of April one thousand nine hundred and twenty-six;

“The existing parishes” means all the parishes within the city as they existed immediately before the commencement of this Part of this Act and “existing” as applied to any parish means existing immediately before the commencement of this Part of this Act;

Interpre-
tation in
this Part of
Act.

- “The consolidated parishes” means the parish of Oxford and the parish of Saint Giles and Saint John constituted by this Act and “the consolidated parish” means either of the consolidated parishes as the case may require;
- “The Oxford Incorporation” means the union of the guardians of the poor within the city of Oxford;
- “The existing parish of the University Colleges and Halls” includes all lands buildings and other property of whatsoever description of in or appertaining to the University of Oxford and the Colleges and Halls thereof (including Christ Church) which immediately before the commencement of this Part of this Act were rateable to the relief of the poor within the Oxford Incorporation.

119.—(1) As on and from the commencement of this Part of this Act:—

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—
Consolidation of parishes.

- (a) The existing parishes of Saint Martin and All Saints Saint Aldate Saint Ebbe Holywell Saint Mary Magdalen Saint Mary the Virgin Saint Michael Saint Peter le Bailey Saint Peter in the East and Saint Thomas and the existing parish of the University Colleges and Halls shall be united for all purposes other than ecclesiastical into one parish to be called or known as “the parish of Oxford” and the parish of Oxford shall be included in and form the Oxford Incorporation and all poor law orders in force in that poor law union immediately before the commencement of this Part of this Act shall be in force within and apply to the parish of Oxford:
- (b) The existing parish of Binsey shall cease to be comprised within and to form part of the Abingdon Union and shall be added to the Headington Union and that parish and the existing parishes of Cowley Saint John Saint Clement Saint Giles and Saint John the Baptist within the city shall be united for all purposes other than ecclesiastical into one parish to be called or known as “the parish of Saint Giles and Saint John” and the parish of Saint Giles

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and Saint John shall be included in and form part of the Headington Union and all poor law orders (if any) in force in the existing parishes referred to in this paragraph other than the parish of Binsey immediately before the commencement of this Part of this Act shall be in force within and apply to the parish of Saint Giles and Saint John and all orders (if any) in force in the Abingdon Union immediately before the commencement of this Part of this Act shall cease to be in force within or apply to the parish of Saint Giles and Saint John or any part thereof.

(2) Any reference to the existing parishes in any Acts or Provisional Orders relating to those parishes in force at the commencement of this Part of this Act shall be deemed to be a reference to the parish of Oxford or the parish of Saint Giles and Saint John as the case may be.

(3) (a) The consolidated parishes shall for the purpose of the election of guardians by the local government electors of such parishes be divided into four electoral areas which shall respectively elect guardians as follows:—

South area (comprising the existing parishes of Saint Martin and All Saints Saint Aldate Saint Ebbe Holywell Saint Mary the Virgin and Saint Peter in the East) nine guardians;

West area (comprising the existing parishes of Saint Mary Magdalen Saint Michael Saint Peter le Bailey and Saint Thomas) six guardians;

North area (comprising the existing parishes of Binsey and Saint Giles) five guardians;

East area (comprising the existing parishes of Cowley Saint John Saint Clement and Saint John the Baptist) eight guardians;

and each of such electoral areas shall be deemed to be a ward for the election of guardians.

(b) For the purposes of subsection (6) of section 20 (Election and qualification of guardians) of the Local Government Act 1894 and subject to the provisions of section 60 (Supplemental provisions as to guardians) of that Act—

(i) The persons who represent as guardians the existing parishes comprised in the south and

west areas immediately before the commencement of this Part of this Act shall continue to hold office as guardians for the parish of Oxford until the following dates (that is to say)— A.D. 1925.
—

One-third of such guardians representing each area shall retire on the fifteenth day of April one thousand nine hundred and twenty-nine;

One-third of such guardians representing each area shall retire on the fifteenth day of April one thousand nine hundred and thirty;

The clerk of the guardians of the Oxford Incorporation shall at least one month prior to the fifteenth day of April one thousand nine hundred and twenty-nine determine by lot which of the guardians representing the areas aforesaid shall retire in each of the years above mentioned unless such guardians shall agree among themselves who are to so retire;

The remaining guardians representing each area shall retire on the fifteenth day of April one thousand nine hundred and thirty-one;

In each year thereafter one-third of the guardians representing each area consisting of those guardians who have been longest in office shall retire :

- (ii) The persons who represent as guardians the existing parishes comprised in the north and east areas immediately before the commencement of this Part of this Act shall continue in office as guardians for the parish of Saint Giles and Saint John until the following dates (that is to say)—

Two of such guardians representing the north area and three of such guardians representing the east area shall retire on the fifteenth day of April one thousand nine hundred and twenty-nine;

Two of such guardians representing the north area and three of such guardians representing the east area shall retire on the fifteenth day of April one thousand nine hundred and thirty;

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The clerk of the guardians of the Headington Union shall at least one month prior to the fifteenth day of April one thousand nine hundred and twenty-nine determine by lot which of the guardians representing the areas aforesaid shall retire in each of the years above mentioned unless such guardians shall agree among themselves who are to so retire;

The remaining guardians shall retire on the fifteenth day of April one thousand nine hundred and thirty-one;

In each year thereafter the retirement of the guardians in the said areas shall follow the same rotation the guardians who have been longest in office retiring in each year.

(c) Any casual vacancy existing on the commencement of this Part of this Act or thereafter occurring among the guardians elected for any existing parish shall be filled up by the election of a guardian by the local government electors of the electoral area in which such parish is comprised and such guardian shall hold office until the time when the person in whose place he is elected would under the provisions of this Act have gone out of office and shall then retire.

(d) Notwithstanding the provisions of section 20 of the Local Government Act 1894 no proceedings shall be taken for the holding of any ordinary election of guardians for the existing parishes in the year one thousand nine hundred and twenty-six.

(4) Subject to the provisions of this Part of this Act and of the enactments applied thereby as to adjustments all property (other than such as may be held for charitable or ecclesiastical purposes and other than cash balances) and all debts and liabilities of the existing parishes including in such property any property held under any trust for any of such parishes or for the inhabitants or parishioners thereof shall become the property debts and liabilities of the parish of Oxford or the parish of Saint Giles and Saint John as the case may be and in case of property held in trust as aforesaid shall be held in trust for the consolidated parish to which the said property relates or for the inhabitants or parishioners thereof for the same purpose as heretofore.

(5) All arrears of rates made by the overseers of the poor for the existing parishes respectively which on the commencement of this Part of this Act are due or owing in respect of hereditaments in those parishes shall be collected and recovered by the overseers of the consolidated parishes and the same when collected and recovered and all cash balances in the hands of the overseers of the existing parishes shall be applied (so far as may be necessary) towards the discharge of any precept or order in respect of expenses incurred before that date and which are in force at that date and are not satisfied and (subject to the foregoing) all balances and any other moneys in the hands of the overseers of the existing parishes on the same date shall be handed over by them to the overseers of the consolidated parishes.

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(6) All rate books books of account minutes of proceedings deeds papers and writings belonging to the existing parishes shall be deposited at the town clerk's office in the city or at some office or place appointed by the Corporation and be there kept and preserved by the town clerk or some officer to be appointed by the Corporation and the ratepayers shall at all times have the same right of inspecting and making extracts from such books and minutes as they would have had if they had continued to be ratepayers of the existing parishes Provided that the guardians of the poor of the Abingdon Union shall be entitled to retain all rate books books of account minutes of proceedings deeds papers and writings belonging to them and relating to the existing parish of Binsey until the conclusion of the audit of their accounts which shall be held by the district auditor next after the commencement of this Part of this Act but the said guardians shall after such commencement and so long as they retain the same allow the Corporation and their officials at all reasonable times to inspect the same and to make extracts therefrom.

(7) All valuation lists in relation to hereditaments and premises in any of the existing parishes and in force on the first day of April one thousand nine hundred and twenty-six shall until new valuation lists are made be and be deemed to be part of the valuation lists for the consolidated parish.

(8) All contracts deeds bonds agreements and other instruments at or before the commencement of this

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A.D. 1925. Part of this Act entered into by or with the overseers of any of the existing parishes shall be of as full force and effect against or in favour of the overseers of the consolidated parish as fully and effectually as if instead of the overseers of such existing parish the overseers of the consolidated parish had been parties thereto.

(9) If at the commencement of this Part of this Act any action or proceeding shall be pending or existing by or against the overseers of any of the existing parishes the same shall not be in any wise prejudicially affected by reason of the passing of this Act but may be continued prosecuted and enforced by or against the overseers of the consolidated parish.

(10) Notice of the provisions of this section shall be given by the Corporation to the overseers of the existing parishes and to the guardians of the respective unions of the Oxford Incorporation Abingdon and Headington.

Guardians
of Abingdon
Union.

120. As from the commencement of this Part of this Act the number of guardians for the Abingdon Union shall be reduced by one.

Guardians
of Heading-
ton Union.

121. As from the commencement of this Part of this Act the number of guardians for the Headington Union shall be increased by one.

Council to
be over-
seers.

122.—(1) 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 consolidated parishes 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—

(a) 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;

(b) The town clerk 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 Second 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 Schedule which may be transferred to the town clerk by order of the Minister of Health who is hereby empowered to make any such order accordingly;

- (c) In the application to the consolidated parishes of section 54 (No relief to be in future given except by board of guardians &c.) of the Poor Law Amendment Act 1834 the said section shall be read and construed as if for the references therein to any overseer there were substituted references to any guardian representing either of the consolidated parishes;
- (d) In the application to the consolidated parishes of sections 13 to 16 and 20 of the Lunacy Act 1890 and section 2 of the Lunacy Act 1891 the said sections shall be read and construed as if references therein to an overseer had been omitted therefrom.

(2) The overseers of the existing parishes shall go out of office at the commencement of this Part of this Act.

(3) 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.

(4) After the thirty-first day of March one thousand nine hundred and twenty-six every precept issued by the guardians of the respective unions of the Oxford Incorporation and Headington for the purpose of obtaining money which is ultimately to be raised by the council acting as overseers shall be sent to the council at their office addressed to the council or the town clerk.

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

(6) References in any Act to the overseers of the existing parishes shall be construed as references to the council and the legal interest in all property vested in the overseers of either of the existing parishes (other than

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A.D. 1925: 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.

(7) Where the overseers as such are trustees of any charity such number of persons not exceeding the number of overseer trustees as the council may appoint shall be trustees in their place. The term of office of a trustee so appointed shall be four years.

Transfer to Corporation of powers of vestries.

123. As from the commencement of this Part of this Act all and every right custom privilege or power other than in matters ecclesiastical and in relation to ecclesiastical charities within the meaning of the Local Government Act 1894 vested in or exerciseable by the parishioners ratepayers or inhabitants in vestry assembled of the existing parishes shall cease to be so vested or exerciseable and every such right custom privilege or power shall for and within the consolidated parishes be vested in and be exerciseable by the Corporation.

Appointment of assistant overseers and other officers.

124.—(1) The Council may appoint and revoke the appointment of assistant overseers of the consolidated parishes.

(2) 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.

(3) The registration officer may before the preparation of the autumn register 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 jurors' book and register of electors in that year 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.

(4) (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. A.D. 1925.

(b) Assistant overseers appointed by the council shall not be required to give security to the guardians of the respective unions of the Oxford Incorporation and Headington under section 61 (Collectors appointed by guardians may be appointed to perform the duties of assistant overseers) of the Poor Law Amendment Act 1844.

125. In the preparation of the spring register one thousand nine hundred and twenty-six so far as it relates to any area affected by this Part of this Act it shall be competent to the registration officer to frame the register in separate parts for each area which will constitute a registration unit after the commencement of this Part of this Act instead of in separate parts for each area constituting a registration unit before the commencement of this Part of this Act. Registration of electors.

126.—(1) Nothing in this Part of 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 which is now applicable for the benefit of any of the existing parishes affected by this Part of this Act. Saving for land tax ecclesiastical divisions and charities.

(2) For the purposes of income tax the provisions of subsection (1) of the section of this Act whereof the marginal note is "Consolidation of parishes" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year and notwithstanding the provisions of the said subsection the parish of the University of Oxford shall for the said purposes remain and be a separate parish under the jurisdiction of the general commissioners for the University of Oxford.

127.—(1) Any assistant overseer collector of poor rates or other officer or servant employed immediately Compensation to existing

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A.D. 1925. before the commencement of this Part of this Act in
parish or for the purposes of the existing parishes for the purposes
officers. of or in connection with the assessing levying or collection
of rates or otherwise who by virtue of this Part of this
Act or anything done in pursuance or in consequence
of this Part of this Act suffers direct pecuniary loss by
abolition of office or by diminution or loss of fees salary
or emoluments and for whose compensation no other
provision is made by any enactment for the time being
in force and applicable to his case shall be entitled to
have compensation paid to him by the Corporation for
that pecuniary loss and in determining the said compensa-
tion regard shall be had to the conditions and other
circumstances required by subsection (1) of section 120
(Compensation to existing officers) of the Local Govern-
ment Act 1888 to be had in regard in cases of compensation
under that section and the compensation shall not unless
the Corporation otherwise agree exceed the limit therein
mentioned and the provisions of subsections (2) to (7)
of the said section shall apply with such modifications
as may be required Provided as follows (that is to
say) :—

- (a) Any reference in the said section to the county council shall be construed as a reference to the Corporation ;
- (b) The expression in subsection (1) of the said section “ the Acts and rules relating to Her Majesty’s civil service ” shall mean the Acts and rules relating to Her late Majesty’s civil service which were in operation at the passing of the said Act of 1888 and in the application and for the purposes of the said Acts and rules any officer holding two or more offices or appointments in the same service shall not be deemed by reason thereof to have not been required to devote the whole of his time to the duties of his office ;
- (c) Any reference in subsection (7) of the said section to “ this Act ” shall be construed as a reference to this Act and in that subsection “ any other county council ” shall include any district council (including a council of a county borough) board

of guardians and the Corporation but that subsection shall not operate so as to reduce or suspend any compensation already granted under any Act other than this Act; A.D. 1925.

- (d) References in the said section to "the passing of this Act" shall as respects a case of abolition or relinquishment of office be construed as references to the date on which the abolition or relinquishment takes effect;
- (e) The Minister of Health shall be substituted for the Treasury in the said section; and
- (f) Any expenses shall be paid out of the city fund and if any compensation is payable otherwise than by way of annual sum the payment of that compensation shall be a purpose for which the Corporation may borrow for the purposes of this Part of this Act.

(2) For the purposes of subsection (1) of this section any officer or servant to whom that subsection applies whose services are dispensed with or whose salary is reduced within five years from the commencement of this Part of this Act because his services are not required or his duties are diminished in consequence of this Part of this Act and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Part of this Act.

(3) In computing the time of service in any capacity of any officer for the purpose of determining the compensation to which he is entitled under this Act the Corporation shall take into account all the service (whether continuous or not) of any such officer in any capacity under any authority or authorities to which the Poor Law Officers' Superannuation Act 1896 applies.

(4) No person shall be entitled to claim or receive both compensation for any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

128. For any purposes connected with the settlement and removal of the poor in relation to cases affected Settlement and re-

A.D. 1925. by this Part of this Act the following provision shall
— have effect (that is to say) :—

removal of
poor.

Every person who at the commencement of this Part of this Act has acquired or is in the course of acquiring a settlement in any of the existing parishes by reason of any residence completed or in course of completion or of any act or thing done or in course of being done or of any status condition right or privilege acquired or created or in course of acquirement or creation in any of the existing parishes shall be deemed to have acquired or to be in the course of acquiring a settlement in the consolidated parish.

Saving for
contribution orders.

129. Notwithstanding the alterations effected in the existing parishes by this Act and subject to the foregoing provisions of this Act all contribution orders made by the guardians of the respective unions of the Oxford Incorporation Abingdon and Headington before the commencement of this Part of this Act shall be as valid in law as if this Act had not been passed.

Provisions
as to ad-
justments.

130. Section 62 (Adjustment of property and liabilities) of the Local Government Act 1888 as amended by the Local Government (Adjustments) Act 1913 shall (with any necessary modifications) apply to the provisions of this Part of this Act as if this Act were an Order made in pursuance of the said Act of 1888 and—

- (a) as if in subsections (5) (6) and (7) of the said section 62 the expression "council" included any board of guardians affected by this Act or anything done in pursuance of this Act; and
- (b) as if the said subsection (6) empowered such board of guardians to borrow any moneys required in respect of any such adjustment provided that moneys so borrowed shall be repaid within such period as the Minister of Health may sanction :

Provided that where any such board of guardians is affected by the provisions of this Part of this Act or anything done in pursuance thereof the said section 62 shall apply with the modifications specified in the First Schedule of the Poor Law (Dissolution of School Districts and Adjustments) Act 1903.

131. The provisions of the Acts and Orders specified in the first column hereunder are hereby repealed to the extent indicated opposite thereto in the second column hereunder:—

A.D. 1925.
 —
 Repeal of
 Acts.

Description or Title of Act or Order.	Extent of Repeal.
The Oxford Poor Law Act 1854.	So much of section 32 (Poor rate) as requires the guardians to give notice to the Vice-Chancellor of the University of the sum judged necessary to be raised for the relief and maintenance of the poor. Section 33 (How rate to be assessed for the Colleges and Halls). Section 34 (Who to be rated). Section 35 (Inspection of university rate). Section 36 (Appeal against university rate).
The Provisional Order relating to the city of Oxford confirmed by the Local Government Board's Provisional Orders Confirmation (Oxford &c.) Act 1875	Proviso to Article X. Article XII. Article XIII.
The Oxford (Poor Law) Order 1884.	The whole Order.

132. Except as otherwise in this Part of this Act expressly provided nothing in this Act shall be deemed to alter the constitution of the Oxford Incorporation or the election or qualification of the members thereof except as regards those members elected by the local government electors of parishes within the city or otherwise prejudice or affect the provisions of the Acts or Provisional Orders relating to the Oxford Incorporation.

Saving for
 Oxford
 Incorporation.

A.D. 1925.

PART XI.

RATING.

Commence-
ment and
interpreta-
tion.

133.—(1) This Part of this Act shall come into operation as from the first day of April one thousand nine hundred and twenty-six.

(2) In this Part of this Act unless the subject or context otherwise requires:—

“The consolidated parishes” means the parish of Oxford and the parish of Saint Giles and Saint John as constituted under the provisions of this Act and “consolidated parish” means either of the consolidated parishes as the case may require;

“The overseers” means the council as overseers of the consolidated parishes;

“The Oxford Incorporation” means the union of the guardians of the poor within the city;

“the poor rate” means the poor rate to be levied within the consolidated parishes.

City fund
and rate.

134. The borough fund and the borough rate shall be known as and be the city fund and the city rate respectively and all the provisions of any Acts relating to the borough fund or borough rate shall accordingly apply to the city fund and city rate respectively.

All expenses
of Corpora-
tion to be
paid out of
city fund
and rate.

135.—(1) All expenses of the Corporation which if this Part of 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 the borough fund or borough rate or any municipal rate shall be charged on and defrayed out of or paid and carried to the credit of the city fund and the city 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 or borough fund or borough rate or municipal rate in the former Acts or in this Act or in any Act or Provisional Order in force in or applicable to the city 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 city fund and the city rate.

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(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 city fund and the moneys owing to the Corporation in respect of or in connection with the district fund or the general district rate or the borough fund or borough rate or any municipal 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 city fund.

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

136. Any water rate rent or charge payable to the Corporation may be included in one demand note and collected together with the city rate and the same books may be used for the said rate rent and charge.

Water rate &c. may be collected with city rate.

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

Form of rate &c. to be prescribed by Minister of Health.

138. Notwithstanding anything contained in the Act of 1890 the provisions contained in this section shall have effect with respect to the city rate to be made and levied under the provisions of this Act (that is to say):—

Differential city 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 city rate in respect of such hereditaments on the full rateable value thereof but (subject as

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next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of thirty-three and one-third per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

Provided that during the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the city as if the following provisions were substituted for section 1 thereof (that is to say) :—

“The owner of any tithe rentcharge attached to a benefice shall be liable to pay only eighty per centum of the amount payable under subsection (1) of the section of the Oxford Corporation Act 1925 of which the marginal note is “Differential city rate in certain cases” in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining twenty per centum thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the city or any district therein be paid by the Commissioners of Inland Revenue out of 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 Acts 1896 and 1923 the occupier of any agricultural land as defined in the first-mentioned 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) If the Agricultural Rates Act 1896 shall continue after the Agricultural Rates Act 1923 shall have expired the occupier of any agricultural land as defined in the said first mentioned Act shall during the continuance of such first mentioned Act be liable to pay in each year in respect of such land a rate

calculated on the basis of only twenty-eight per centum of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section: A.D. 1925.

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

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

(b) The operation of the Agricultural Rates Act 1923 or the powers 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) The operation of the Ecclesiastical Tithe Rentcharges (Rates) Acts 1920 and 1922.

139. Section 221 (Rates may be amended) of the Public Health Act 1875 shall apply to the city in respect of the city rate as if the rate therein mentioned were the city rate. Amend-
ment of city
rate.

140. No warrant of commitment in respect of non-payment of the city 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. As to re-
covery of
city rate.

141. Section 267 (Service of notices) of the Public Health Act 1875 shall apply to any demand for the city rate or any water rate rent or charge or the poor rate to be served by the council or the overseers. Service of
demands.

142. The purpose to which the city 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 City rate
may include
working
balance.

A.D. 1925. — the powers and duties the cost of which is charged on the city fund and the Corporation may (in estimating the amount sufficient for those purposes and in ordering the city rate to be made) include such a sum as they may consider to be necessary for the provision of such working balance.

Overseers
may require
returns.

143.—(1) The overseers may by notice in writing require the owner or occupier or reputed owner or occupier of any hereditaments in the consolidated parishes (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 Third Schedule to this Act or to the like effect and containing the particulars therein mentioned or referred to or such of them as the overseers may require :

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.

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this section within twenty-one days after receipt of such notice as aforesaid shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty 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 respective assessment committees of the unions of the Oxford Incorporation and Headington produce from time to time to such committees the returns or any

of them obtained by the overseers under the provisions of this section. A.D. 1925.

(4) Nothing in this section shall require any railway company 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 or any hereditament therein.

144. In addition and without prejudice to any other powers which may be exercised by them the overseers may amend the poor rate of either of the consolidated parishes by inserting therein the name of any person who ought to have been rated: Amend-ment of poor rate.

Provided that:—

- (1) Any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment;
- (2) An amended rate shall not be payable by any person whose name is thereby newly inserted until seven days after such notice has been given to him.

145. Section 116 (Power to appeal against rates) of the Act of 1890 shall be read and construed as if for the words "the first practicable meeting of the Corporation" there were substituted the words "any time within two months." Amend-ment of Act of 1890.

PART XII.

FINANCIAL.

146. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made may be defrayed out of the city fund and city rate. Expenses of execution of Act.

147.—(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 Power to borrow.

[Ch. xxviii.] *Oxford Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — 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.
For the construction of the street improvement by this Act authorised.	£ 5,000	30 years from the date or dates of borrowing
For the acquisition of lands therefor	6,500	60 years from the date or dates of borrowing
For payment of the costs charges and expenses of this Act	The sum requisite	5 years from the passing of this Act

(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 including the provision of working capital for their water undertaking.

(b) Any money borrowed under this sub-section shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

(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 revenues of the Corporation.

Power to re-borrow.

148.—(1) The Corporation shall have power—

(a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing powers which are intended forthwith to be repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

149. 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. Application of money borrowed.

150. All moneys owing or to be owing or borrowed or to be borrowed by and all stock issued or to be issued by the Corporation together with the interest dividends annuities and all other annual sums for the time being payable thereon shall be and the same are hereby by virtue of this Act charged indifferently upon all the revenues of the Corporation and subject to any priority existing at the passing of this Act shall rank equally one with the other without any priority whatsoever. Charge of moneys borrowed.

151. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Mode of raising money.

[Ch. xxviii.] *Oxford Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. Loans Act 1875 or by the issue of Corporation stock under and subject to the provisions of the Act of 1890 as amended by this Act or (with the consent of the Minister of Health under section 52 (Issue of stock) of the Public Health Acts Amendment Act 1890) by the creation and issue of stock under and subject to the provisions of the said Public Health Acts Amendment Act 1890 or partly in one way and partly in another or others.

Power to use one form of mortgage for all purposes.

152.—(1) Where the Corporation have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Fourth Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all moneys borrowed and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a fine not exceeding five pounds,

A.D. 1925.

(6) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Fourth Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(7) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(8) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(9) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a fine not exceeding twenty pounds.

153.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall be not less than one thousand pounds in the whole.

Appoint-
ment of
receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

A.D. 1925.

—
Mode of
payment off
of money
borrowed.

154. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing and if the Corporation determine to pay off by means of a sinking fund any moneys so required to be paid off such sinking fund shall be formed and maintained either by payment to the fund throughout the prescribed period of such equal yearly sums as will together amount to the moneys for the repayment of which the sinking fund is formed in which case the Corporation may at any time apply the whole or any part of such sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed or in accordance with the provisions of section 122 (As to repayment of borrowed moneys) of the Act of 1890 as amended by this Act.

Amendment
of section
122 of Act
of 1890.

155. Section 122 (As to repayment of borrowed moneys) of the Act of 1890 shall be read and construed as if after the words "a sum equal to the interest" there were inserted the words "which would have been" as if after the words "so applied" there were inserted the words "if invested" and as if the last proviso to that section were repealed.

Provisions
as to sinking
funds.

156. The following provisions shall apply and have effect with respect to every sinking fund maintained by the Corporation (that is to say):—

- (1) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments

to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister of Health that any such increase is necessary the Corporation shall increase the payments to such extent as that Minister may direct : A.D. 1925.

- (2) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed :
- (3) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay the moneys in respect of which the sinking fund is formed within the prescribed period the Corporation may with the consent of that Minister discontinue the annual payments to such sinking fund until the Minister of Health shall otherwise direct.

157. Notwithstanding anything contained in the Acts or regulations governing the same the rate of accumulation of the annual payments to every accumulating sinking fund formed by the Corporation for any purpose shall be three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve.

Rate of accumulation of annual payments to sinking fund for repayment of loans.

158. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act or of this Act the Corporation are empowered or required to

Investment of and payments into sinking fund,

A.D. 1925. form a sinking fund or loans fund each of the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (that is to say) :—

- (1) The Corporation may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in statutory securities;
- (2) The said yearly sums and accumulations shall be paid and provided out of the city fund and city rate and any interest dividends and annual proceeds arising from the investment thereof or of any moneys standing to the credit of any sinking or loans fund as aforesaid at or after the passing of this Act shall be paid into the city fund.

Power to use sinking funds or reserve funds temporarily.

159.—(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

A.D. 1925.

section during such year and such report shall 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 appears 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 one thousand nine hundred and twenty-six 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.

160. 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

A.D. 1925.

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 power:

- (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.

Consolidated loans fund.

161.—(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 one thousand nine hundred and twenty-six 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;
- (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
- (d) A sum or sums equal to the aggregate amount of all dividends or interest payable in each year on the stock mortgages or other securities issued in exercise of the statutory borrowing powers of the Corporation and remaining outstanding:

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. A.D. 1925

(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; or
- (c) In the payment of dividends and interest on the stock mortgages or other securities issued in the exercise of the statutory borrowing powers of the Corporation and remaining outstanding:

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 shall not be used or applied otherwise than as provided in this subsection.

(3) 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.

(4) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(5) Any reference to the loans fund in the Act of 1890 shall be deemed to be a reference to the consolidated loans fund.

162.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing

Scheme for fixing equated periods.

[Ch. xxviii.] *Oxford Corporation*. [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Minister of Health who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister of Health may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister of Health separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Period for
repayment of
loans under
Municipal
Corporations
Act 1882.

163. 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.

As to
section 234
of Public

164. In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) 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.

A.D. 1925.

—
Health Act
1875.

165. 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 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.

Evidence of
transfer or
transmis-
sion of
securities.

166. 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.

Receipt in
case of
persons not
sui juris.

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

Interest on
mortgages
held jointly.

168. As from the first day of April one thousand nine hundred and twenty-six all money received by the Corporation on account of the revenue of the water undertaking shall be carried to and shall form part of the city fund and all payments and expenses made and incurred in respect of the water undertaking shall be paid out of that fund.

Revenue
and ex-
penses of
water
under-
taking.

169.—(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 the water undertaking (in this section referred to as "the undertaking") on the one

Separate
accounts in
respect of
water
under-
taking

A.D. 1925. — 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 and applied 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 and applied 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 (subject to the provisions of the section of this Act whereof the marginal note is "Power to use sinking funds or reserve funds temporarily") 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 a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation upon the undertaking as shown by the balance sheet for the annual period ending on the preceding thirty-first day of March 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 : A.D. 1925.

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

(2) Any reserve fund which has been formed for the purpose of the undertaking and which is in existence at the passing of this Act shall be deemed to have been formed under this section.

(3) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

170. 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. Form of accounts.

171. 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. Apportionment of items.

172.—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under the authority of this Act. Return to Minister of Health with respect to repayment of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the town clerk or other the chief accounting officer of the Corporation and be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk or other officer shall for each offence be liable to a

A.D. 1925. — penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) The provisions of this section shall extend and apply to any annual returns required to be made to the Minister with regard to the repayment of debt by any provisions of the former Acts now in force in the city notwithstanding anything contrary to or inconsistent therewith in any such Act.

Appointed
auditors.

173.—(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 city.

(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. A.D. 1925. —

(4) Subsection (1) of section 27 (Audit and publication of treasurer's accounts) 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.

174. The provisions of the following sections of the Act of 1890 shall with any necessary modifications extend and apply to the exercise of the powers of this Part of this Act as if the same were re-enacted in this Act (that is to say) :—

Section 123 (Sinking funds may be adjusted in certain events);

Section 127 (Corporation not to regard trusts);

Section 168 (Protection of holders of Corporation stock) :

Application of financial provisions of Act of 1890 to this Part of Act.

Provided that the provisions of the said section 168 shall apply to every person lending money to the Corporation as if the power to borrow such money were referred to therein as well as the power to create or issue Corporation stock.

175. The following sections of the former Acts are hereby repealed (that is to say) :—

The Act of 1885—

Section 31 (Application of revenue);

Section 32 (Deficiency in water account).

Repeal of sections of former Acts.

A.D. 1925.

The Act of 1890—

Section 124 (Returns to Local Government Board);

Section 125 (Power to re-borrow);

Proviso to subsection (1) of section 130 (Creation of Corporation stock);

Section 182 (Paid auditors).

Saving for Conservators of River Thames.

176. Parts XI. (Rating) and XII. (Financial) of this Act shall not extend to the Conservators of the River Thames or be deemed to render them liable to any charges or payments thereunder.

PART XIII.

MISCELLANEOUS.

Power to grant allowances or gratuities in certain cases.

177.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 or the School Teachers' (Superannuation) Act 1918 or any other Act for the time being in force relating to the superannuation of teachers and not entitled to benefits under a scheme established under the Local Government and other Officers Superannuation Act 1922 grant a weekly or other allowance or in lieu thereof a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

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

(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the city or permanently and exclusively employed in any public elementary school in the city (whether provided by the Corporation as the local education authority or

not so provided) or permanently and exclusively employed in any school college or hostel provided by the Corporation for the purposes of higher education under the provisions of the Education Act 1921.

A.D. 1925.

178. The Corporation may pay out of the city fund as expenses incurred by them under the Municipal Corporations Act 1882—

Power to subscribe to associations &c.

(1) Reasonable subscriptions (whether annual or otherwise) to the funds of any association of municipal corporations or of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation (not exceeding in any case four) at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

(2) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished bodies and persons residing in or visiting the city.

179. The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary dispensary or other institution of a similar character such sum or sums as they may from time to time think fit not exceeding in any year the amount which would be produced by the levying of a city rate of one halfpenny in the pound and to charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues.

Power to Corporation to subscribe to hospitals &c.

180. The powers of the Corporation with reference to the making of byelaws under Part II. (Telegraph &c. wires) of the Public Health Acts Amendment Act 1890 are hereby extended so as to enable the Corporation from time to time to make alter and repeal byelaws for

Byelaws as to wires &c. connected with wireless installations,

A.D. 1925. — the prevention of danger or obstruction to the public from posts wires tubes aerials or any other apparatus in connection with or for the purposes of wireless telegraphy or telephony installations stretched or placed whether before or after the passing of this Act above over along or across any street in the city or in such position above or over any building or other erection or garden or other place in the city as to be liable to fall on to any street Nothing in such byelaws shall extend to or include any apparatus belonging to a railway company and used by them in connection with their business.

In executing works in default of owner or occupier no liability for damages to be incurred except in case of negligence.

181. Whenever the Corporation or the engineer under any enactment or byelaw for the time being in force within the city 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 themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the engineer 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.

182. 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 III. (Streets buildings sewers drains &c.) IV. (Infectious disease and sanitary provisions) and VI. (Food) 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. A.D. 1925.

183. The provisions of sections 102 (Power of entry of local authority) and 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Parts III. (Streets buildings sewers drains &c.) IV. (Infectious disease and sanitary provisions) and VI. (Food) of this Act as if those purposes had been mentioned in the said section 102. Power of entry.

184. 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 city 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 appointments authority &c.

185.—(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 in the city requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. Authentication 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 in the city 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

A.D. 1925. or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

As to breach of conditions of consent of Corporation.

186. Where under this Act or under any general or local Act for the time being in force in the city the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are 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.

187. 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 in the city 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.

188. Where under the provisions of this Act or any local Act in force in the city the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses of 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 engineer or in case of dispute by a court of summary jurisdiction.

Recovery of demands.

189. 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.

190. 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 III. (Streets buildings sewers drains &c.) IV. (Infectious disease and sanitary provisions) or VI. (Food) of this Act or by any

conviction or order made by a court of summary jurisdiction 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 of the city under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal. A.D. 1925.

191. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force in the city 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.

192. Notwithstanding anything contained in the Second Schedule to 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.

193. 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 in the city. Informations by whom to be laid.

194. 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.

195. When any compensation costs damages or expenses is or are by any local enactment directed to be paid and the method of 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 Provided that where any such compensation costs damages or expenses is or are directed Compensation how to be determined.

A.D. 1925. or authorised to be paid or recovered in addition to any penalty for any offence the amount of such compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted.

Powers of Act cumulative.

196. 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 section 265 of Public Health Act 1875.

197. 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.

Inquiries by Minister of Health.

198.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act or the Act of 1890 and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

Application of provisions of Act of 1890 to

199. The provisions of the following sections of the Act of 1890 shall with any necessary modifications extend and apply to the exercise of the powers of this Part of

this Act as if the same were re-enacted in this Act (that is to say):— A.D. 1925.

Section 186 (General provisions as to byclaws); this Part of Act.

Section 196 (Saving for indictments &c.):

Provided that the said section 196 shall be read and have effect as if the words "Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence" had been inserted at the end thereof;

Section 197 (Judges &c. not disqualified);

Section 198 (Saving rights &c. of University of Oxford and its colleges).

200. The following sections of the Act of 1890 are hereby repealed (that is to say):— Repeal of miscellaneous provisions of Act of 1890.

Section 185 (Costs of Local Government Board);

Section 190 (Damages and charges in case of dispute to be settled by justices);

Section 191 (Compensation how to be determined);

Section 194 (Several sums in one summons);

Section 195 (Penalties to be paid over to the treasurer).

201. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular Part III. (Streets buildings sewers drains &c.) of this Act shall not apply to any building structure or work vested in or in the occupation of His Majesty His heirs and successors either beneficially or as a part of the hereditary revenues of the Crown or in trust for the public service or for public services nor to any building structure or work vested in or in the occupation of any department of His Majesty's Government for public purposes or for the public service. Crown rights.

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

A.D. 1925.

The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

FORMER ACTS AND ORDERS RELATING TO THE CITY.

Session and Chapter.	Title or Short Title.
38 Vict. c. xli.	- The Oxford (Corporation) Waterworks Act 1875.
48 Vict. c. xxiv.	- The Oxford (Corporation) Waterworks Act 1885.
52 Vict. c. xv.	- The Local Government Board's Provisional Orders Confirmation Act 1889.
53 & 54 Vict. c. ccxxiii.	- The Oxford Corporation Act 1890.
59 & 60 Vict. c. cv.	- The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1896.
62 & 63 Vict. c. cxii.	- The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1899.
10 Edw. 7. and 1 Geo. 5. c. lxxxv.	- The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1910.

SECOND SCHEDULE.

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 - - -	} The two last-mentioned enactments as applied by or under any other Act.
Auxiliary Air Force - - -	

THIRD SCHEDULE.

A.D. 1925.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER PARTICULARS TO BE RENDERED UNDER THE OXFORD CORPORATION ACT 1925.

<p>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 - - - -</p>	
<p>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.)</p>	
<p>4. Whether the property is occupied— (a) Wholly as a private residence - - - - (a) or (b) Partly as a dwelling-house and partly for trade or business purposes - - - - (b) or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - - - (c) (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (d) Nature of the business (if any) - (d)</p>	
<p>5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - -</p>	
<p>6. Amount of rent - - - - or if ground rent only is paid state its amount - - - -</p>	<p>£ per £ per</p>

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<p>7. Whether the property is held under lease or agreement for a period of years - - - - - or by the year quarter month or week - - - - -</p>	
<p>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.")</p>	<p>(a) (b) (c) Amount paid for lease £</p>
<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.

Dated this day of one thousand nine
hundred and .

FOURTH SCHEDULE.

A.D. 1925.

FORM OF MORTGAGE.

CITY OF OXFORD.

By virtue of the Oxford Corporation Act 1925 and of other their powers in that behalf them enabling the mayor aldermen and citizens of Oxford (hereinafter referred to as "the Corporation") in consideration of the sum of

_____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the city by

(hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation (which expression 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) as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the day of _____ one thousand nine hundred and _____

until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____

in each year And it is hereby agreed that the principal sum shall be repaid at the town hall in the said city [(subject as hereinafter provided) on the _____ day of _____

one thousand nine hundred and _____]

[by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the mayor or the town clerk of the city for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated

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A.D. 1925. herewith and shall operate and take effect as though they had
— been originally inserted herein.

In witness whereof the Corporation have caused their corpo-
rate seal to be hereunto affixed this day of
one thousand nine hundred and .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting
the within-mentioned time for repayment of the within-mentioned
principal sum of day of
is hereby extended to the [and the
 one thousand nine hundred and day of
interest to be paid thereon on and from the day of
day of one thousand nine hundred and
is hereby declared to be at the rate of per centum
per annum].

Dated this day of one thousand
nine hundred and

FORM OF TRANSFER OF MORTGAGE.

I (the within-named) (of
) in consideration of the sum of
 pounds paid to me by
of (hereinafter referred to as "the
transferee") do hereby transfer to the transferee (his) executors
administrators and assigns (the within-written security) (the
mortgage number of the revenues of the
mayor aldermen and citizens of Oxford bearing date the
 day of)
and all my right and interest under the same subject to the several
conditions on which I hold the same at the time of the execution
hereof and I the transferee for myself my executors adminis-
trators and assigns do hereby agree to take the said mortgage
security subject to the same conditions.

Dated this day of one thousand
nine hundred and

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