



CHAPTER xxxiv.

An Act to empower the mayor aldermen and citizens of the city of Leicester to execute street improvements and for other purposes. A.D. 1925.

[30th June 1925.]

WHEREAS the city of Leicester (hereinafter referred to as "the city") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation") acting by the council are the urban sanitary authority for the city :

And whereas it is expedient that the Corporation should be empowered to execute the street works by this Act authorised and to acquire lands for the purposes thereof and for other purposes of this Act :

And whereas estimates have been prepared by the Corporation for the purchase of lands for and for the execution of the said street works and such estimates amount to the sum of one million one hundred and ten thousand nine hundred and fifteen pounds :

And whereas the said street works are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas the Corporation incurred considerable expense in connection with a Bill intended to be promoted

[Ch. xxxiv.] *Leicester Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — by them in the session of Parliament of one thousand nine hundred and twenty-four for authorising the execution of street works including some or all of the street works authorised by this Act but the said Bill was not introduced into Parliament in consequence of the decision of the meeting of parochial electors held pursuant to the Borough Funds Act 1903 having been against the promotion of that Bill and it is expedient that the said expense should be spread over a term of years and that the Corporation should be empowered to borrow money for defraying the same :

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

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

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

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and plans showing the lands which the Corporation may acquire under the powers of this Act and a book of reference to such plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the clerk of the peace for the county of Leicester :

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Leicester Corporation Act 1925.

Act divided into Parts.

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

Part I.—Preliminary ;

Part II.—Street works ;

[15 & 16 GEO. 5.] *Leicester Corporation* [Ch. xxxiv.]
Act, 1925.

- Part III.—Lands;
Part IV.—Finance;
Part V.—Miscellaneous provisions.

A.D. 1925.

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

Incorporation of
Lands
Clauses
Acts.

- (a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;
(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section.

4. In this Act the several words and expressions to which meanings are assigned by the Lands Clauses Acts 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

Interpretation.

“The city” means the city and county borough of Leicester;

“The Corporation” means the mayor aldermen and citizens of the city acting by the council;

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

“The borough fund” means the borough fund of the city;

“The town clerk” means the town clerk of the city;

“The street works” means the street widenings and improvements and the new streets and the works in connection therewith respectively by this Act authorised;

“The arbitrator” means the arbitrator to whom any question of disputed purchase money or compensation under this Act is referred;

“The deposited plans” “the deposited sections” and “the deposited book of reference” mean respectively the plans sections and book of

[Ch. xxxiv.] *Leicester Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

reference deposited with the clerk of the peace for the county of Leicester in relation to the Bill for this Act;

“The Lands Clauses Acts” means those Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919.

PART II.

STREET WORKS.

Power to execute street works.

5. Subject to the provisions of this Act the Corporation may execute and construct in the lines and according to the levels shown on the deposited plans and sections the street widenings and improvements and new streets in the city hereinafter described (that is to say):—

Work No. 1. A widening (No. 1) of London Road on its north-eastern side and Campbell Street on its south-western side :

Work No. 2. A new street (No. 1) commencing by a junction with London Road and terminating by a junction with Northampton Street :

Work No. 3. A widening (No. 2) of Northampton Street on its southern side :

Work No. 4. A widening (No. 3) of Northampton Square on its north-eastern side Upper Charles Street on its north-eastern side and Rutland Street on its south-eastern side :

Work No. 5. A widening (No. 4) of Rutland Street on its north-western side and Charles Street on its eastern side :

Work No. 6. A widening (No. 5) of Charles Street on its western side and Rutland Street on its north-western side :

Work No. 7. A new street (No. 2) commencing by a junction with Humberstone Gate and terminating by a junction with Bedford Street :

Work No. 8. A widening (No. 6) of Belgrave Gate on its south-eastern side and Bedford Street on its north-western side :

Work No. 9. A widening (No. 7) of Belgrave Gate on its south-eastern side between Jubilee Road and Junction Road :

[15 & 16 GEO. 5.] *Leicester Corporation* [Ch. xxxiv.]
Act, 1925.

Work No. 10. A widening (No. 8) of Belgrave Gate on its south-eastern side and Belgrave Road on its south-eastern side between Lower Willow Street and Willow Brook: A.D. 1925.

Work No. 11. A widening (No. 9) of Rutland Street on its south-eastern side:

Work No. 12. A widening (No. 10) of London Road on its north-eastern side.

6. In the construction of the street works the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding three feet either upwards or downwards. Limits of deviation.

7.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connection with the street works 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 street works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the street works or of crossing under or over the same or otherwise and may alter and remove any drinking troughs lamp-posts railings refuges or other structures erected upon any street or land within the said limits and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of 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.

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

[Ch. xxxiv.] *Leicester Corporation*. [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

Power to
alter steps
pipes areas
&c.

8. Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains and the pipes or wires for the purpose of conveying water gas or electricity to any house or other place and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Temporary
stoppage of
streets.

9.—(1) The Corporation during and for the purpose of the execution of the street works may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bona 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 bona fide going to or from any such house.

Underpin-
ning of
houses near
street
works.

10. And whereas in order to avoid in the execution and maintenance of the street works injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845

and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk :

- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference :
- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such

[Ch. xxxiv.] *Leicester Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Power to
stop up
portions of
streets.

11.—(1) The Corporation may stop up the portions of streets hereinafter described and thereupon all rights of way over those portions of the said streets respectively shall be extinguished and the site and soil of the said portions of streets (so far as the same may not already be vested in the Corporation) shall vest in them but such portions of streets shall not be stopped up unless the Corporation are owners in possession of all houses and lands on both sides thereof except so far as the owners lessees and occupiers of those houses and lands otherwise agree The said portions of streets are the following (that is to say) :—

So much of the eastern end of Bread Street and the northern end of Kildare Street or one of them as will be situate eastward of the eastern side of the new street No. 2 by this Act authorised.

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

(3) The provisions of this section shall be in addition to and not in derogation of any other powers of stopping up streets or parts of streets in the city vested in or exercisable by the Corporation.

12. Subject to the provisions of this Act the Corporation may— A.D. 1925.

(a) cause such parts of the street works to be laid out for carriageway and such parts thereof for footway as they may think proper;

Carriageway
footway
sewers and
other works.

(b) lay out enclose and maintain as gardens or open spaces any lands for the time being belonging to them (including the site of any portion of an existing street stopped up under the powers of this Act) adjacent to any of the street works; and

(c) upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of or in connection with the street works.

13. If the works authorised by the section of this Act of which the marginal note is "Power to execute street works" are not completed within a period of ten years from the passing of this Act then on the expiration of that period the powers by that section granted for the execution and construction of the said works respectively shall cease except as to so much thereof respectively as shall then be completed.

Period for
completion
of certain
works.

PART III.

LANDS.

14.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the street works or for the provision of space for the erection of buildings adjoining or near to any street to be widened improved or constructed under the powers of this Act.

Power to
acquire
lands for
street
works.

(2) The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation by agreement of any other lands which they may think it

[Ch. xxxiv.] *Leicester Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be required by them for the purposes of or in connection with the street works or other the purposes of this Act.

Correction of errors in deposited plans and book of reference.

15. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the 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 county of Leicester and a duplicate shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Power to enter upon property for survey and valuation.

16. The Corporation and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Owners may be required to sell parts only of

17.—(1) Whereas in the construction of the street works or otherwise in the exercise by the Corporation of the powers of this Act it may happen that a portion

or portions only of the property shown or partly shown on the deposited plans and thereon numbered 242B will be sufficient for the purposes of the Corporation and that such portion or portions or some other portion or portions less than the whole can be severed from the remainder of the said property without material detriment thereto. Therefore the following provisions shall have effect:—

A.D. 1925.
—
certain
premises.

- (a) The owner of and persons interested in the said property or each or any of them are in this section included in the term "the owner" and the said property is in this section referred to as "the property";
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of the property the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;
- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the arbitrator shall in addition to the other questions required to be determined by him determine whether the portion of the property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;
- (d) If the arbitrator determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the

[Ch. xxxiv.] *Leicester Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

portion which the arbitrator shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator;

- (e) If the arbitrator determines that the portion of the property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;
- (f) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;
- (g) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or

done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

A.D. 1925.

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

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

Persons under disability may grant easements &c.

19. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Part of this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of any new street or of the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such new or existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Benefits to be set off against compensation.

20. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the following provisions shall apply and have effect (that is to say):—

Compensation in case of recently created interest.

- (1) The arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the first day of November one thousand nine hundred and twenty-four and before the date

[Ch. xxxiv.] *Leicester Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

of the passing of this Act if in the opinion of the arbitrator the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act:

(2) Subject as is hereinafter in this section provided the arbitrator shall not take into account—

(a) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any improvement or alteration reasonably necessary for properly maintaining such premises) made after that date which in the opinion of the arbitrator materially enhances the value of such premises; or

(b) any interest in land greater than that of a quarterly tenant created after the date of the passing of this Act:

(3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the Corporation of his intention to erect any building upon or to make any improvement or alteration of or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically described in the notice) and the Corporation do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

(a) subsection (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

(b) subsection (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said first day of November and before the date of the passing of this Act : A.D. 1925.

- (4) The Corporation shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Act.

21. In any case in which any lands acquired by the Corporation under the powers of this Act are in the possession of any person having no greater interest therein than as tenant for a year or from year to year and the Corporation do not under the powers of compulsory acquisition conferred by this Act require such person to give up possession of any lands so occupied by him before the expiration of his term or interest therein but terminate such term or interest by the giving of notice or otherwise than under such last-mentioned powers the Corporation may if they think fit pay to such person upon the termination of his term or interest such sum of money as they may determine by way of compensation for any loss or injury which in the opinion of the Corporation such person may sustain in consequence of the giving of such notice but the Corporation shall not be under any liability to make any such payment as aforesaid in any case in which they do not think fit so to do nor (in any case in which they think fit to make any such payment) to pay any greater sum than they shall in their discretion determine. Power to pay compensation to yearly tenants and others.

22. 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 thirty. Limit of time for compulsory purchase of lands.

23.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished. Extinction of private rights of way.

[Ch. xxxiv.] *Leicester Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to Corporation to make agreements with owners of property &c.

24. The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the street works or of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands or property (including any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the street works) for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Corporation for the purposes of this Act.

Power to reinstate owners of property.

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

Reservation of easements &c.

26. The Corporation on selling any lands may reserve to themselves all or any part of the easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Proceeds of sale of surplus lands.

27.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they

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

A.D. 1925.
—

(2) Provided that—

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

28.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

Powers with reference to leases of surplus lands.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion.

[Ch. xxxiv.] *Leicester Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

Power to
develop
lands &c.

29.—(1) The Corporation may lay out and develop and erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any lands acquired by them under the powers of this Act and not required for the purposes of the street works and may sell lease exchange or otherwise dispose of any such houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

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

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

(4) The provisions of this section shall be in addition to and not in derogation of any other powers vested in or exerciseable by the Corporation.

PART IV.

FINANCE.

Expenses of
execution of
Act.

30. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such expenses as are to be paid out of borrowed money) shall be paid out of the district fund and the general district rate.

Power to
borrow.

31.—(1) The Corporation may from time to time independently of and in addition to any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment

[15 & 16 GEO. 5.] *Leicester Corporation* [Ch. xxxiv.]
Act, 1925.

of interest thereon they may mortgage or charge their revenues funds and rates and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table which shall be deemed to be the prescribed periods for the purposes of the enactments incorporated with this Act (namely) :—

A.D. 1925.

1.	2.	3.
Purpose.	Amount.	Period for Repayment.
(a) For the execution of the street works and the acquisition of lands therefor.	£ 1,111,000	Sixty years from the date or dates of borrowing.
(b) For paying the costs charges and expenses of obtaining this Act as hereinafter defined and the costs charges and expenses incurred by the Corporation in connection with the intended Bill referred to in the preamble to this Act.	The sum requisite.	Five 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 (if any) as may be necessary for any of the purposes referred to in the said table or for any other purpose of this Act.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health and that period shall be the prescribed period for the purposes of the enactments incorporated herewith.

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

32. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Section 234 of Public Health Act 1875 not to apply.

[Ch. xxxiv.] *Leicester Corporation* [15. & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

—
Incorporation of certain provisions of Leicester Corporation Act 1902.

33. The provisions of the following sections of the Leicester Corporation Act 1902 (that is to say) :—

- | | |
|-------------|--|
| Section 85 | (Provision as to mortgages); |
| Section 86 | (Security for principal moneys); |
| Section 87 | (Saving for power to sell lands &c.); |
| Section 88 | (Interest fund); |
| Section 89 | (Application of interest fund); |
| Section 90 | (Account of interest fund); |
| Section 93 | (Method of repayment of principal moneys); |
| Section 96 | (Application of sinking fund); |
| Section 97 | (Investment of sinking fund); |
| Section 98 | (Account of sinking fund); |
| Section 99 | (Payments to interest and sinking funds how to be provided); |
| Section 100 | (Determination as to charge of moneys); |
| Section 101 | (Power to re-borrow); |
| Section 102 | (Application of money borrowed); |
| Section 106 | (Corporation not to regard trusts); |
| Section 107 | (Protection of lender from inquiry) |

shall extend and apply to and in respect of the moneys to be borrowed under the provisions of this Act. Provided that the said section 93 shall for the purposes of this Act be read and have effect as if a rate not exceeding three pounds ten shillings per centum per annum, had been mentioned therein instead of a rate not exceeding three pounds per centum per annum.

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

34.—(1) The treasurer of the city (in this section referred to as “the treasurer”) shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under the authority of this Act.

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

notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court. A.D. 1925.

(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 purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the treasurer 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 foregoing provisions of this section shall be substituted for any provisions of the local Acts or Orders now in force in the city requiring an annual return to be made to the Minister with regard to the repayment of debt.

35. If any moneys are payable to a mortgagee or holder of stock issued by the Corporation 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.

36. The provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under that Act shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act. Audit of accounts.

PART V.

MISCELLANEOUS PROVISIONS.

37. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall For protection of London and North East-

[Ch. xxxiv.] *Leicester Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say) :—
—
ern Railway Company.

- (1) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Corporation shall not in executing and constructing Work No. 10 (Street Widening No. 8) by this Act authorised and any works connected therewith (hereinafter called "the authorised works") purchase or take any land belonging to the company except so much thereof as lies to the west of the line marked on the deposited plans for the authorised works "Extent of proposed widening" and such further land (if any) not exceeding four feet in width lying to the eastward of the said line as may be necessary for the purpose of forming abutments for carrying the authorised works over Willow Brook :
- (2) No land or property acquired from the company shall be used for any purpose other than the construction and maintenance of the authorised works :
- (3) The Corporation shall not under the powers of the section of this Act of which the marginal note is "Temporary stoppage of streets" stop up any part of Belgrave Road so as to interfere with access to the company's Leicester (Belgrave Road) station.

For protection of
London
Midland and
Scottish
Railway
Company.

38. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall not without the previous consent in writing of the London Midland and Scottish Railway Company under their common seal purchase or acquire any lands or property of that company except the land and property coloured red and blue on the plan signed by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (of which plan copies have been deposited in the Parliament Office of the House of Lords and in the Private Bill Office of the House of Commons respectively).

39. For the protection of Warner Sheppard and Wade Limited (hereinafter called "the company") who are or claim to be the freeholders of the lands buildings and premises hereinafter defined as "the existing premises" the following provisions shall unless otherwise agreed in writing between the Corporation and the company have effect (that is to say):—

A.D. 1925.
—
For protection of Warner Sheppard and Wade Limited.

- (1) The existing premises means the lands at Belgrave Gate in the city of Leicester numbered 356 on the deposited plans and the buildings stables auction-yard paddock and other premises situate on those lands :
- (2) The Corporation shall not except as mentioned in subsection (8) of this section enter upon take or use any part of the existing premises until the expiration of two years after the Corporation shall have provided at their own expense and conveyed to the company a new site cleared for building and available for the erection and construction of buildings stables auction-yard paddock and other premises of equivalent accommodation to those included in the existing premises :
- (3) The new site shall be situate in the area which will be bounded on the west by the new street Work No. 7 by this Act authorised on the north by Lower Hill Street on the east by Clarence Street and on the south by Kildare Street and shall be equal in area to the site of the existing premises and of such dimensions as will afford accommodation for the company's business equally suitable to that afforded by the existing premises :
- (4) The Corporation shall acquire the freehold and all other interests in the whole of the new site (save where it forms part of the existing premises) and shall free of expense to the company convey to the company free from incumbrances the freehold interest in so much of the new site as shall not form part of the existing premises :
- (5) (a) If during the period of two years mentioned in subsection (2) of this section the means of access existing at the passing of this Act to the lands comprised in the new site shall be

A.D. 1925.

interfered with the Corporation shall provide equally convenient substituted means of access to the new site. The Corporation shall also as soon as practicable after the conveyance to the company of the new site form construct and properly make up the causeways along the frontage of the new site where it abuts on any existing street and such entrance crossings as the company may reasonably require from such existing streets to the new site;

(b) From the re-instatement on the new site until the said new street Work No. 7 has been constructed and opened for traffic the Corporation shall provide and maintain access to the new site from the Old Cross in Belgrave Gate suitable for the company's business and contemporaneously with the construction of the said new street shall form construct and properly make up a causeway along the frontage of the new site on the new street and such entrance crossings as the company may reasonably require from the new street to the new site :

- (6) On the vesting of the new site in the company as provided by subsection (4) of this section the company shall at the cost of the Corporation convey to the Corporation so much of the site of the existing premises as shall not form part of the new site together with all the buildings thereon but the company shall nevertheless be entitled to remain in undisturbed possession of the existing premises for the said period of two years and to adapt alter or pull down the existing buildings or any of them in such manner as may be reasonably necessary to enable them to erect new buildings on the new site and to carry on their business during such re-erection :
- (7) The company shall submit to the Corporation for their approval the elevations of all buildings to be erected or constructed by the company and fronting on the said new street Work No. 7 and shall comply with any requirements of the Corporation with respect thereto :

(8) Notwithstanding the foregoing provisions of this section where the new site shall form part of the site of the existing premises and it shall be necessary for the Corporation to enter upon that part of the existing premises in order to prepare the new site the Corporation may so enter but shall not interfere with the company's business more than may be absolutely necessary: A.D. 1925.

(9) The Corporation shall pay to the company the following sums—

(i) The costs and expenses properly incurred by the company in clearing the new site ready for the erection of buildings (so far as not cleared by the Corporation) and in making arrangements for and otherwise preliminary to the erection of new buildings and other premises on the new site and the re-instatement of the business of the company on the new site;

(ii) Such sum as may be agreed between the Corporation and the company or failing agreement be determined by arbitration as hereinafter provided to be the aggregate amount of the costs and expenses which will be incurred by the company of and incidental to the laying out of the new site and the erection construction and fitting up thereon of new buildings stables auction-yard paddock and other premises affording as suitable accommodation in all respects for the company's business as the buildings and other premises now forming part of the existing premises:

The costs and expenses referred to in paragraph (i) of this subsection shall be paid by the Corporation on the conveyance of the new site to the company and if incurred after that date shall be paid within twenty-one days of the demand for the same by the company and the costs and expenses referred to in paragraph (ii) of this subsection shall be paid from time to time within twenty-one days after the production to the Corporation by the company of the certificate of the

[Ch. xxxiv.] *Leicester Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

architect or contractor for the new buildings or premises certifying the amount expended or incurred up to the date of such certificate :

Provided that the Corporation shall not be required under paragraph (ii) of this subsection to pay any greater aggregate sum than such as may have been agreed or determined as aforesaid to be the amount of the costs and expenses referred to in that paragraph and if the amount of any particular payment due from the Corporation under this subsection be disputed by the Corporation they shall not be required to pay so much of that amount as is in dispute until twenty-one days after the award of an arbitrator under subsection (10) of this section as to the amount properly due from the Corporation :

- (10) Any dispute between the Corporation and the company as to the sums payable to the company under the immediately preceding subsection of this section and any other difference or dispute which may arise between the Corporation and the company under this section shall be referred to a single arbitrator to be agreed between the parties or (failing agreement) appointed by the President of the Surveyors Institution and the provisions of the Arbitration Act 1889 shall apply to the reference.

For protection of
Frederick
Victor West.

40. For the protection of Frederick Victor West or other the owner or owners for the time being of the premises in the city in this section respectively referred to (in this section called "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Corporation have effect (that is to say) :—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not enter upon take or use any part of the premises (in this section referred to as "the Newport Place premises") numbered 38 38A 38B 38C and 39 in the book of reference and on the said plans relating to Work No. 2 (New Street No. 1) other than the portion thereof shown and coloured pink on the plan

(in this section referred to as "the signed plan") signed on behalf of the owner by William Gustavus Stanhope Rolleston and on behalf of the Corporation by Enoch George Mawbey : A.D. 1925.
—

- (2) The owner shall be entitled to construct buildings and erections upon any part of so much of the Newport Place premises as is not coloured pink on the signed plan but in the event of the Corporation acquiring in accordance with subsection (1) of this section the portions of the said premises coloured pink on the signed plan the owner shall not be entitled to any easement of light over or in respect of the portion so acquired by the Corporation for the benefit of the portion not so acquired :
- (3) The Corporation shall within six months after the date of the passing of this Act serve upon the owner notice to treat in respect of the premises of the owner numbered 126 to 132 inclusive 132A and 133 to 146 (inclusive) in the book of reference and on the deposited plans relating to Work No. 4 (Widening No. 3).

41. For protection of Thomas Allen and Harry Raven carrying on business as Challis and Allen or other the owner or owners for the time being (in this section called "the owners") of the freehold premises in the city numbered 314 and 314A on the deposited plans relating to Work No. 7 by this Act authorised the following provisions shall unless otherwise agreed in writing between the owners and the Corporation have effect (that is to say) :— For protection of Challis and Allen.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not enter upon take or use any part of the said premises numbered 314 and 314A :
- (2). If the Corporation acquire under the powers of this Act the strip of land lying between the said premises and the said Work No. 7 (which said strip of land is shown and coloured pink on the plan signed on behalf of the owners by Thomas Allen and on behalf of the Corporation by Enoch George Mawbey) then within

[Ch. xxxiv.] *Leicester Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

six months after such acquisition the Corporation shall sell and the owners shall purchase the said strip of land on the terms hereinafter mentioned :

- (3) The purchase price to be paid by the owners for the said strip of land shall not exceed one thousand pounds but the actual price shall be such as may be agreed upon between the owners and the Corporation or as failing agreement shall be fixed by a single arbitrator to be appointed by the parties or (failing agreement as to such appointment) to be nominated by the President of the Surveyors Institution and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

Judges not disqualified.

42. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or in any proceedings with respect to the recovery of any rate or otherwise by reason of being liable to such rate.

Application of section 265 of Public Health Act 1875.

43. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall with all necessary modifications extend and apply to the purposes of this Act as if that section were in terms enacted in this Act.

Inquiries by Minister of Health.

44.—(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 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.

Powers of Act cumulative.

45. 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

[15 & 16 GEO. 5.] *Leicester Corporation* [Ch. xxxiv.]
Act, 1925.

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 shall be entitled to such other rights and remedies as if this Act had not been passed. A.D. 1925.

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

47. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of the district fund or the general district rate or out of moneys to be borrowed for that purpose under this Act. Costs of Act.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C. 2; 28, Abingdon Street, London, S.W. 1;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
or 120, George Street, Edinburgh;
or through any Bookseller.

