



CHAPTER xcvi.

An Act to empower the mayor aldermen and burgesses of the borough of Mansfield to execute street improvements to make further provision in regard to the water gas and electricity undertakings of the Corporation and for the health local government and improvement of the borough to consolidate the rates of the borough and for other purposes. [7th August 1925.]

A.D. 1925.

WHEREAS the borough of Mansfield (in this Act called "the borough") is a municipal borough subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") acting by the council are the urban sanitary authority for the borough:

And whereas the Corporation are the owners of the undertaking by which water is supplied within the borough and elsewhere:

And whereas it is expedient that further powers be conferred upon the Corporation with respect to their water undertaking:

And whereas it is expedient that the Corporation be empowered to execute the street improvements described in this Act and to acquire lands as mentioned or referred to in this Act:

And whereas the Corporation are also the owners of the undertakings by which gas and electricity are supplied

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. within the borough and it is expedient that further powers
— be conferred upon the Corporation with respect to those
undertakings :

And whereas it is expedient to empower the Corporation to erect municipal and other buildings and provide and arrange for the provision of entertainments therein and in their parks and pleasure grounds :

And whereas it is expedient to make further and better provision with regard to the health local government and improvement of the borough and that the powers of the Corporation in regard thereto be enlarged as in this Act provided :

And whereas it is expedient to constitute the council of the borough overseers of the parish of Mansfield and to make provision for the consolidation of the rates levied in the borough :

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

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

For new service reservoir mains and	£
other waterworks purposes - - -	63,000
For the purchase of lands for and for the construction of the street improvements by this Act authorised	251,000

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

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

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county

of Nottingham which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference : A.D. 1925.

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. This Act may be cited as the Mansfield Corporation Act 1925. Short title.

2. This Act is divided into Parts as follows (that is to say) :— Act divided into Parts.

Part I.—Preliminary.

Part II.—Water.

Part III.—Street improvements &c.

Part IV.—Lands.

Part V.—Gas.

Part VI.—Electricity.

Part VII.—Markets and slaughter-houses.

Part VIII.—Hackney carriages and traffic.

Part IX.—Streets and buildings.

Part X.—Sewers drains and watercourses.

Part XI.—Infectious disease and sanitary provisions.

Part XII.—Common lodging-houses.

Part XIII.—Public buildings parks &c.

Part XIV.—Rating provisions.

Part XV.—Financial.

Part XVI.—Miscellaneous.

3. The following Acts and parts of 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 and for the purposes of such incorporated Acts this Act shall be deemed to be the Incorporation of Acts.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. special Act within the meaning of any such Acts and
— “the promoters of the undertaking” “the undertakers”
“the company” or “the commissioners” where used
in those Acts shall mean the Corporation (that is to say) :—

(1) The Lands Clauses Acts with the following excep-
tion and modification :—

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

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

(2) The Waterworks Clauses Act 1847 except—

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

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

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

(3) The Waterworks Clauses Act 1863.

Interpre-
tation.

4. Subject to the provisions of this Act and unless
the subject or context otherwise requires the several
words and expressions to which by the Acts wholly or
partially incorporated with this Act or by the Public
Health Acts meanings are assigned shall in this Act
have the same respective meanings And in this Act—

“The borough” means the borough of Mansfield;

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

“The council” means the council of the borough;

“The town clerk” “the treasurer” “the surveyor”
“the medical officer” “the sanitary inspector”
mean respectively the town clerk the treasurer

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcviij.]
Act, 1925.

A.D. 1925.

the surveyor and the medical officer of health of the borough and any sanitary inspector appointed by the Corporation in pursuance of the powers of any local or public Act and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officers;

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

“The tribunal” means the tribunal or other authority 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 and by this Act;

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

“The deposited plans” “the deposited sections” and “the deposited book of reference” mean respectively the plans sections and book of reference deposited in relation to the Bill for this Act;

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

“The trading undertakings” means the water undertaking and the gas undertaking the electricity undertaking the markets and fairs undertaking the entertainments undertaking and the baths and washhouses undertaking of the Corporation as from time to time authorised;

“The water limits” and “the electricity limits” mean the limits within which the Corporation are for the time being authorised to supply water and electricity respectively;

“The Act of 1901” and “the Act of 1905” mean respectively the Mansfield Corporation Act 1901 and the Mansfield Corporation Act 1905;

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

“The railway company” means the London and North Eastern Railway Company or the London Midland and Scottish Railway Company as the case may require;

“Offensive trade” means any trade which is for the time being an offensive trade within the meaning of section 112 of the Public Health Act 1875 as amended by section 51 of the Public Health Acts Amendment Act 1907;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

“Child” means a person under the age of fourteen years;

“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;

“Food” includes every article used for food or drink by man other than drugs or water;

“Hackney carriage” and “omnibus” shall have the same meanings as those assigned to these expressions by section 38 of the Town Police Clauses Act 1847 and section 3 of the Town Police Clauses Act 1889;

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;

“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 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— A.D. 1925.

(a) borrowing or continuing on loan or reborrowing money; or

(b) 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;

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;

“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and the Acts amending and extending the same;

“Local enactment” includes this Act and any local Act Provisional Order byelaw or regulation for the time being in force within the borough.

PART II.

WATER.

5. The Corporation shall not sink any well upon or construct any works for taking or intercepting water for the purposes of the water undertaking from any lands acquired by them unless the works and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament: Limiting powers of Corporation to abstract water.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

Provided that nothing in this section shall be deemed to prohibit the deepening or enlargement of any existing bore-hole or well of the Corporation.

Rates payable by owners of small houses.

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

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

Amendment of section 35 of Waterworks Clauses Act 1847.

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

Rates for use of hose pipes.

8. 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 twenty shillings 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 recoverable in all respects with and as the water rate.

Supply to farmhouses

9. Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof.

10.—(1) The Corporation shall not be bound to supply with water otherwise than by meter—

A.D. 1925.

(a) Any building used by an occupier as a dwelling house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required;

Supply to houses partly used for trade &c.

(b) Any workhouse hospital asylum or sanatorium; or

(c) Any hotel club restaurant public-house or inn or boarding house capable of accommodating twelve or more persons.

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

11. The rates levied and charges made for a supply of water by the Corporation in any portion of the water limits outside the borough shall not exceed the rates and charges for the time being levied and made by them for a supply of water for similar purposes within the borough.

Equality of water charges.

12.—(1) If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property or to the health of any person it shall be lawful for the Corporation by or under the direction of their duly authorised officer to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and where any such injury or defect has been found to exist the expense incurred by the Corporation for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

Power to Corporation to repair communication pipes.

[Ch. xcvi.] *Mansfield Corporation*. [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

(2) Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

(3) Provided also that the Corporation shall not without the previous consent of the railway company exercise the powers of this section in respect of any property belonging to the railway company and used for the purposes of their undertaking but such consent shall not be unreasonably withheld.

Cisterns to be provided for high level supplies.

13. The Corporation may require that any dwelling-house erected at the passing of this Act and not fitted on the seventeenth day of December one thousand nine hundred and twenty-four with a water pipe above the ground floor and any new dwelling-house erected after the passing of this Act and (in each case) situate on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such dwelling-house for a period of forty-eight hours and the Corporation shall not be required to supply any such existing dwelling-house at a greater pressure than is sufficient to reach the ground-floor of any such new dwelling-house until the same is provided with a cistern in conformity with the requirements of this section.

Penalty for closing valves and apparatus.

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

Penalty for opening valves &c.

15. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time

being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

A.D. 1925.

PART III.

STREET IMPROVEMENTS &C.

16. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described together with all necessary or convenient works improvements junctions connections approaches embankments retaining walls sewers drains and conveniences connected therewith.

Power to
construct
street works.

The works hereinbefore referred to will be situate in the borough and are—

Works No. 1 and No. 2 Widenings and improvements of Queen Street and Market Street—

(No. 1) On the western side of Queen Street between Stockwell Gate and the registered office of the Mansfield and Sutton Co-operative Society Limited;

(No. 2) On the north-eastern side of Queen Street and the western side of Market Street between Queen Street and the National Provincial and Union Bank of England Limited in Market Street:

Works No. 3 No. 4 and No. 5 Widenings and improvements of Albert Street Midworth Street and Nottingham Road—

(No. 3) On the eastern side of Albert Street and the northern side of Midworth Street between the junction of Albert Street with White Hart Street and the junction of Midworth Street with Dame Flogan Street including the rounding off of the corner of White Hart Street;

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

(No. 4) On the western side of Albert Street and Nottingham Road between No. 16 Albert Street and the junction of Nottingham Road with Clerkson Street including a rounding off of the corner at Clerkson Street;

(No. 5) On the eastern side of Nottingham Road from the northern end of the yard No. 1 Nottingham Road to Lucas's Motor Garage:

Works No 6 No. 7 No. 8 No. 9 and No. 10 Widenings and improvements of Newgate Lane and Ratcliffe Gate—

(No. 6) On the northern side of Ratcliffe Gate and the western side of Newgate Lane between No. 47 Ratcliffe Gate and the Carpenters Arms public house;

(No. 7) On the south-eastern and southern sides of Newgate Lane between the yard of the King's Arms public house and No. 158 Newgate Lane;

(No. 8) On the northern side of Newgate Lane between the Newgate Lane council schools and a point on the northern side of Newgate Lane as now existing 70 yards measured in an easterly direction from the commencement of such work;

(No. 9) On the northern side of Newgate Lane between the junction with Hardwick Street and the junction with Heywood Street including a rounding off of the corner at Hardwick Street;

(No. 10) On the northern side of Newgate Lane between No. 189 Newgate Lane and the junction with Sandy Lane including a rounding off of the corner at Sandy Lane:

Works No. 11 No. 12 No. 13 and No. 14 Widenings and improvements of Church Street Bridge Street and Toothill Lane—

(No. 11) On the southern side of Church Street between the Swan Hotel Vaults and the White Hart Inn;

(No. 12) On the southern side of Church Street between the junction with White Hart

Street and the General Post Office including a rounding off of the corner at White Hart Street; A.D. 1925.

(No. 13) On the southern side of Church Street between Eight Bells public house and No. 32 Church Street;

(No. 14) On the northern side of Church Street and Bridge Street between No. 31 Church Street and the junction of Bridge Street with James's Yard including a rounding off of the western and eastern corners of Toothill Lane and a widening of the eastern side of that lane for a distance of 63 yards from the south-western corner of the St. Peter's Commercial and Temperance Hotel:

Works No. 15 No. 16 and No. 17 Widenings and improvements of Ratcliffe Gate—

(No. 15) On the southern side thereof between a point 30 yards east of Lime Tree Place and the bridge carrying the London and North Eastern Railway over Ratcliffe Gate;

(No. 16) On the southern side thereof between the junction with Great Central Road and the junction with Broxtowe Drive including a rounding off of the corners at Great Central Road and Broxtowe Drive;

(No. 17) On the northern side thereof between the eastern corner of No. 69 Ratcliffe Gate and the junction with Bowling Street:

Work No. 18 A widening and improvement of the Rock and Southwell Road on the southern side thereof between No. 92 Ratcliffe Gate and the land belonging to the London Midland and Scottish Railway Company including the rounding off of the eastern and western corners of Fisher Lane and Kate Moody Lane.

Work No. 19 A widening and improvement of The Rock on the northern side thereof between No. 7 The Rock and the junction with Carter Lane including a rounding off of the corner at Carter Lane.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

Works No. 20 No. 21 No. 22 No. 23 No. 24 and
No. 25 Widenings and improvements of Southwell
Road—

(No. 20) On the northern side thereof between the Billiard Hall No. 119 Carter Lane and No. 14 Southwell Road;

(No. 21) On the northern side thereof between a point 13 yards in an eastern direction from Reindeer Street and No. 62 Southwell Road;

(No. 22) On the northern side thereof between a point 14 yards east of No. 68 Southwell Road and the junction with Selwyn Street;

(No. 23) On the northern side thereof between the eastern boundary of field No. 1040 on the $\frac{1}{2500}$ Ordnance map Nottinghamshire sheet XXVIII-1 (1917 edition) and the western boundary of field No. 943 on the $\frac{1}{2500}$ Ordnance map Nottinghamshire sheet XXVIII-2 (1915 edition);

(No. 24) On the southern side thereof between premises known as "Haslack" Southwell Road and a point 117 yards west of the western boundary of field No. 895 on the $\frac{1}{2500}$ Ordnance map Nottinghamshire sheet XXVIII-2 (1915 edition);

(No. 25) On the southern side thereof between the eastern boundary of field No. 934 on the $\frac{1}{2500}$ Ordnance map Nottinghamshire sheet XXVIII-2 (1915 edition) and the borough boundary:

Work No. 26 A widening and improvement of Ratcliffe Gate and The Rock on the northern side thereof from Bowling Street to the south-west corner of No. 1 The Rock with a lowering of the level of Redcliffe Road for a distance of 76 yards from its junction with Ratcliffe Gate:

Provided that the said Work No. 25 shall be executed by the Corporation to the reasonable satisfaction of the county council of the administrative county of Nottingham and in such manner as not to make the gradient of the road giving access to the Ransom sana-

torium of the county council steeper than one in fifteen and any question which may arise between the Corporation and the county council under this proviso shall be determined by an engineer to be appointed on the application of either party by the Minister of Transport and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such determination.

A.D. 1925.

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

Limits of deviation.

18. 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 works authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said works or any of them 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 works or any of them and may alter divert or stop up all or any part of any drain sewer channel telephone 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 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 in connection with street improvements.

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 Telegraph Act 1878.

19. 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

Power to alter steps pipes areas &c.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — 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 the exercise of the powers of that Act.

Land laid
into streets
to form
part thereof.

20. Subject to the provisions of this Act all lands which shall be acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Power to
determine
width of
carriageway
and foot-
ways.

21. 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 borough 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.

For pro-
tection of
London and
North
Eastern
Railway
Company.

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

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections of the street works by this Part of this Act authorised the Corporation shall not except by agreement enter upon take or use any lands or property of the railway company shown on those plans but they may purchase and take and the railway company may and shall sell to the Corporation such right easement or privilege over upon across or under the lands and property of the railway company delineated upon the deposited plans as shall be necessary for constructing and maintaining Works No. 15 and No. 16 by this Part of this Act authorised

and any works connected therewith (hereinafter referred to as "the authorised street works") which works shall be constructed so as not to injure the adjoining bridge or property of the railway company :

- (2) The construction and maintenance of the authorised street works upon across or under any lands or property of the railway company shall be carried out in accordance with plans sections and specifications previously submitted to and approved by the engineer of the railway company which approval shall not be unreasonably withheld and under his direction and superintendence :
- (3) The Corporation shall with all despatch restore and make good to the reasonable satisfaction of the said engineer any land or other property of the railway company (not being the land in respect of which any right easement or privilege may have been granted under subsection (1) of this section) which may be disturbed or interfered with by or in connection with the authorised street works :
- (4) The authorised street works shall be constructed and maintained so as not to cause any injury or damage to the railway or other property of the railway company or any interruption to the passage or conduct of traffic over such railway and if any such injury damage or interruption arises from the acts or operations of the Corporation all such injury or damage shall forthwith be made good by the railway company at the expense of the Corporation and the Corporation shall indemnify the railway company from all claims for or arising out of any such injury damage or interruption :
- (5) In the event of the Corporation failing to maintain the authorised street works so far as they affect the property of the railway company in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the railway company may make good the same and make and do in and upon the lands of the Corporation or their

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

own lands all such repairs and things as may be reasonably requisite and recover from the Corporation the reasonable expenses incurred by them in connection therewith :

- (6) If it should be necessary by reason of the authorised street works to alter any works or apparatus belonging to or on the property of the railway company the railway company may effect such alterations and the Corporation shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (7) The Corporation shall bear and on demand pay to the railway company the reasonable expense incurred by the railway company of supervising and watching the execution and repair by the Corporation of the authorised street works so far as they may affect the works of the railway company :
- (8) Any additional expense which the railway company may reasonably and properly incur in exercise of their existing statutory powers by reason of the existence of the authorised street works shall be paid by the Corporation :
- (9) If any difference shall arise between the Corporation and the railway company under subsections (2) to (8) of this section the same shall be referred to and settled by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the Minister of Transport and the provisions of the Arbitration Act 1889 shall apply to any such settlement by arbitration.

Temporary stoppage of streets.

23.—(1) The Corporation during the execution of the works authorised by this Part of this Act may break up and also temporarily stop up and interfere with any street for the purpose of executing such works 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 and reasonable access both for vehicular and pedestrian traffic to any station or depôt of a railway company near to which any works are in course of execution under the powers of this Part of this Act.

A.D. 1925.

—

24. For the protection of the Mansfield and District Light Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed in writing apply and have effect in relation to the exercise by the Corporation of the powers conferred upon them by this Part of this Act (that is to say):—

For protection of Mansfield and District Light Railway Company.

(1) Not less than twenty-eight days before commencing to execute under the provisions of this Part of this Act any work (including therein the demolition of or any interference with any building to which any bracket or wire of the company is attached) in or under or over the surface of any part of or adjoining any street in which any light railway of the company or any apparatus provided in connection with or for the purpose of working any such light railway (in this section referred to as "apparatus") is situate the Corporation shall submit to the company plans and particulars of the intended work and shall comply with all such requirements as the Company may at any time within twenty-one days after the receipt of any such plans and particulars reasonably make for the protection of their light railway and apparatus and for preventing any interruption in the working thereof:

(2) The Corporation shall not obstruct or interfere with the free uninterrupted and safe user of any of the light railways of the company or any traffic thereon:

(3) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their light railways or to the traffic thereon by or by reason of the execution or failure of any of the works authorised by this Part of this Act or any act or default of the Corporation or their contractors or any person in the employ of either of them or otherwise

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

and shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :

- (4) If any difference shall arise with respect to any matter under this section between the Corporation and the company the matter in difference shall be referred to and determined by an arbitrator to be appointed on the application of either party after notice in writing to the other by the Minister of Transport and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

PART IV.

LANDS.

Power to
take lands.

25. Subject to the provisions and for the purposes of this Act (including the provision of space for the erection of buildings adjoining or near to any street) the Corporation may enter upon take appropriate and use all or any part of the lands delineated on the deposited plans of the street works by this Act authorised and described in the deposited book of reference thereto.

For protec-
tion of
Postmaster-
General.

26. Notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not under the provisions of this Act enter upon take appropriate or use any part belonging to His Majesty's Postmaster-General of the property numbered 2 in the borough of Mansfield on the said plans relating to Work No. 12 by this Act authorised.

Period for
compulsory
purchase of
lands.

27. The powers of the Corporation for the compulsory purchase of lands for the purposes of Part III. (Street improvements &c.) of this Act shall cease after the expiration of five years from the passing of this Act.

Persons
under
disability
may grant
easements
&c.

28. 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)

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

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.

A.D. 1925.

29. 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 lands in question may apply to two justices acting for the county of Nottingham 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 Nottingham and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Correction of errors in deposited plans and book of reference.

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

Benefits to be set off against compensation.

31. 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 twentieth day of November one thousand nine hundred

Compensation in case of recently acquired interest.

A.D. 1925. — 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.

Owners may be required to sell parts only of certain lands and buildings.

32.—(1) Whereas in the construction of the works authorised by this Act or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

- (a) The owners of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the said properties";
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the said properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;
- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the said 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 tribunal determine that the portion of the said 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 portion so 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 tribunal;
- (e) If the tribunal determine that the portion of the said property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its 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 tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;
- (g) If the tribunal determine that the portion of the said 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

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

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 tribunal shall having regard to the circumstances of the case and their final determination think fit.

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

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

Further powers for acquisition of lands.

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

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

Power to develop lands.

34.—(1) The Corporation may lay out and develop and erect and maintain houses shops offices and other

like buildings and construct pave flag channel and kerb streets roads and ways on any lands within the limits of deviation for the works by this Act authorised and not required for the purposes of those works and may sell lease exchange or otherwise dispose of any such houses shops offices or buildings upon and subject to such terms conditions and restrictions as they may think fit.

A.D. 1925.

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

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

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

35. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 or any other Act to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any

Retention
and disposal
of lands.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Acts 1890 to 1923) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests :

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

Proceeds of
sale of
surplus
lands.

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

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

37. The Corporation and the surveyor and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands 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 and buildings.

A.D. 1925.

—
Power to Corporation to enter upon property for survey and valuation.

38.—(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.

(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 law with reference to the taking of lands otherwise than by agreement.

39.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

Dwelling-houses for persons in Corporation's employment.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

PART V.

GAS.

40. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Corporation is in the opinion of an arbitrator

Relief from obligation to supply.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the area of supply of the Corporation for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Corporation notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

- (a) a new supply of gas for the premises of any person demanding such supply at any time after the passing of this Act; or
- (b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Corporation—

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or
- (ii) to make such payment or payments to the Corporation (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Corporation may reasonably require;

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Corporation may reasonably demand Provided also that if any question

shall arise under the provisions of this section between the Corporation and the applicant as to the sufficiency of the distribution works of the Corporation or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Corporation or as to the nature or amount of the security demanded by the Corporation such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Corporation and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding Provided also that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say)—

A.D. 1925.

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant;
- (b) the capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and
- (c) how far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply:

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

PART VI.

ELECTRICITY.

41.—(1) The Corporation may upon the application of the owner or occupier of any premises in the electricity limits abutting on or in process of erection in any street

Power to lay electric lines &c. in private streets.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — laid out or made and whether dedicated to public use or not supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section.

(2) Provided that nothing in this section contained shall apply to any existing street belonging to and forming the approach to any station or depôt of a railway company except with the consent of such company but such consent shall not be unreasonably withheld nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

For protec-
tion of
Nottingham-
shire County
Council.

42.—(1) Nothing in this Part of this Act shall in any way limit or affect the powers of the county council of the administrative county of Nottingham (in this section referred to as “the county council”) to rebuild alter widen or repair the structure of any bridge upon which any work authorised by this Part of this Act shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the passing of this Act.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any portion of the undertaking authorised by this Part of this Act they shall prior to the commencement of such works give the Corporation one month’s notice in writing of their intention to carry out such works and if in order to avoid interruption to the supply by the Corporation of electrical energy it is in the opinion of the county council necessary temporarily to remove the mains and other electrical appliances belonging to the Corporation from such bridge then the Corporation shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires

across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council.

A.D. 1925.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Corporation shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute arises between the county council and the Corporation with regard to this section the same shall be determined by an arbitrator to be appointed failing agreement on the application of either party after notice in writing to the other by the Minister of Transport and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such determination.

43.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left with or sent by post to the Corporation or be given by the consumer personally at the office of the Corporation.

Notice to
discontinue
supply of
electricity.

(2) Notice of the effect of this section shall be endorsed upon every demand note for charges for electricity.

44.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

Provisions
as to
supply of
electricity
by agree-
ment.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation :

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the commencement of this Act of any right to which he would be entitled but for the said provisions.

Period of error in defective meters.

45.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Entry upon premises
Penalty for obstruction.

46.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and such penalty shall be recoverable in manner provided by the Summary Jurisdiction Acts.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Corporation and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

A.D. 1925;

47. Any expenses reasonably incurred by the Corporation in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

Power to recover charge for re-connection.

PART VII.

MARKETS AND SLAUGHTER-HOUSES.

48. The Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of any of the stalls standing places benches cellars or other conveniences in any market belonging to them to any person for any term not exceeding three years and may grant leases (with a similar right) of any office shop store warehouse tenement or building situate in any of their markets or acquired or erected in connection therewith to any person for any term not exceeding twenty-one years.

Power to lease stalls shops &c. in markets.

49. The Corporation may permit any market house or hall and the cattle market and any open land belonging to them adjoining thereto to be used for public meetings public services public speaking and public lectures and for entertainments and dancing and they may make byelaws with respect to the user thereof and of the market place as existing at the passing of this Act for those purposes.

Use of market place for public meetings &c.

50. The market keeper any officer of the market the sanitary inspector or any constable may remove and exclude from any market of the Corporation any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical

Removal and exclusion from markets of animals not fit for

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.
—
food or sus-
pected of
tuberculosis.

officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon shall be suspected by such surgeon to be affected with tubercular disease.

Power to
take
possession of
stalls for
non-pay-
ment of rent.

51. If any tenant stallholder or occupier shall not after any market rent tolls or charges have become due and payable to the Corporation in respect of any stall standing place bench cellar or other convenience in any market belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stall standing place bench cellar or other convenience and re-let the same without prejudice to any other remedy for the recovery of such rent tolls or charges.

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

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

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

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

(2) At any time after the expiration of three years from the passing of this Act and after the Corporation have provided an adequate slaughter-house in a convenient position (to the satisfaction of the Minister of Health) and after the expiration of six months from the date of publication by the Corporation in a local newspaper circulating in the borough of notice to that effect no person shall slaughter in the way of trade any animals intended for food except in a slaughter-house provided by the Corporation but this restriction shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any animals belonging to him and not slaughtered for the purpose of trade or by a farmer on premises occupied by him for agricultural purposes only and if any person acts in

contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds. A.D. 1925.

Before constructing any slaughter-house the Corporation shall submit the plans and sections according to which the same is proposed to be erected to the Mansfield and District Beef and Pork Butchers' Association and consider any representation with respect thereto which may be made to them by that association.

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

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

(5) Nothing in this section shall interfere with the operation of the Diseases of Animals Acts 1894 to 1922 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

53.—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house which from its situation or construction is in the opinion of the Corporation injurious or dangerous to

Power to close slaughter-houses if injurious to

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.
—
public
health.

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.

(b) 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 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.

(c) 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 interest 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 case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(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.

A.D. 1925.

54. The Corporation may for the purpose of storing meat slaughtered in a public slaughter-house provided by the Corporation or food about to be exposed for sale at any market belonging to the Corporation construct and maintain a refrigerator or cold-air store with all machinery apparatus and appliances necessary for the proper working and use thereof and may demand and take in respect of the use of any such refrigerator or cold-air store such charges as they may determine.

Power to establish cold-air stores.

PART VIII.

HACKNEY CARRIAGES AND TRAFFIC.

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

As to public vehicles taken at railway stations.

Provided that the provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the driver or conductor 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 any railway company except with the consent of that company.

56. An occasional licence for a hackney carriage 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 for hackney carriages.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925;

—
Further
provisions
as to
hackney
carriages.

57.—(1) For the purposes of sections 51 to 61 (both inclusive) 63 and 65 to 67 (both inclusive) of the Town Police Clauses Act 1847 the whole of the borough and any area outside the borough but within seven miles from the general post office of the borough shall be within the prescribed distance for hackney carriages duly licensed by the Corporation and hired within the borough.

(2) The power of the Corporation to make byelaws under section 68 of the Town Police Clauses Act 1847 shall be extended so as to enable them also to make byelaws thereunder with respect to hackney carriages duly licensed by the Corporation and hired within the borough when outside the borough but within seven miles of the general post office of the borough.

(3)—(a) Any offence committed or claim arising outside the borough but within seven miles of the general post office of the borough against or under the Town Police Clauses Act 1847 or any byelaws made by the Corporation thereunder and relating to a hackney carriage duly licensed by the Corporation and hired within the borough may be brought before and determined by any person who would have had jurisdiction to hear and determine the offence or claim had it occurred or arisen at the place within the borough where the hiring was effected.

(b) In addition to any persons authorised by section 253 of the Public Health Act 1875 the Corporation may take proceedings for the recovery of any penalty for any offence specified in the preceding paragraph (a).

(4) Nothing in this section shall be deemed to apply to any omnibus.

Byelaws as
to hackney
carriages.

58. The power to make byelaws conferred upon the Corporation by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say) :—

(a) For the inspection of every hackney carriage at all reasonable times when required by the inspector of hackney carriages appointed by the Corporation :

(b) For the cessation of user of a hackney carriage which at any time fails in any way to comply

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

with the requirements of the byelaws respecting the fitness of hackney carriages for public hire : A.D. 1925
—

- (c) For the fixing of fares to be charged for the use of any motor hackney carriage by time and distance and by time and distance combined.

59. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit. Power to impose test on motor drivers.

60.—(1) The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage if the applicant fails to satisfy them that he effects and keeps on foot an insurance with a responsible insurance company against or makes adequate financial provision for meeting any liability that may be incurred by him in respect of any injury or damage occasioned by such hackney carriage to any person or property but in the event of any licence to ply for hire with an omnibus being refused under this section the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 of the Roads Act 1920 and all the provisions of that subsection shall apply accordingly. Insurance by hackney carriage proprietors.

(2) The provisions of this section shall cease to operate at the end of five years from the first day of October one thousand nine hundred and twenty-five unless they are continued by Act of Parliament or by Provisional Order confirmed by Parliament.

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

- (a) the routes to be taken by all vehicles or by any particular class or description of vehicle either generally or during particular hours and the streets (if any) along which vehicular traffic shall pass in one direction only Provided that the provisions of this paragraph shall not apply to carriages running on the light railways of the Mansfield and District Light Railways Company;

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

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

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

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister for his approval and shall give notice thereof by advertisement in a newspaper published or circulating in the borough and in the London Gazette and in such other manner (if any) as the Minister may direct. The said notice shall name a place where copies of the regulations can be obtained free of charge and shall also state a date not being less than twenty-one days from the date of the notice by which and the manner in which any parties aggrieved by the regulations may make representation thereon to the Minister.

(3) The Minister shall consider any regulations submitted to him by the Corporation and any representations thereon which may be duly made and may approve the regulations with or without modifications or may disallow the same.

(4) Before allowing any regulation the Minister may and if any representation is duly made and is not withdrawn shall direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the 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 Minister for the services of such person.

(5) The Corporation shall cause to be given at least fourteen days' notice of the intention to hold such local

inquiry with particulars of any proposed regulations by advertisement in a newspaper published or circulating in the borough and in the London Gazette and shall also give similar notice in writing to each person who has made any such representations as aforesaid and has not withdrawn the same.

A.D. 1925.

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

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

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

(9) Any person who shall wilfully contravene any such regulation shall be liable to a penalty not exceeding forty shillings.

(10) In this section—

(a) The "central area" means the market place as existing at the passing of this Act and the portion of the borough comprised within a radius of half a mile from the centre of the market place;

(b) "Stand" means a place where omnibuses may stop a longer time than is necessary for the taking up and setting down of passengers desirous of entering or leaving the same; and

(c) "The Minister" means the Minister of Transport.

62. So long as the market place as existing at the passing of this Act or any part of the adjoining streets is used for markets and fairs the Corporation may order that on market or fair days or during such hours on those days as they may determine no omnibus shall enter that market place or Westgate or any portion of

Restrictions
on omni-
buses in
market
place.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — the adjoining streets situate within three hundred yards of the market place except for the purpose of leaving or returning to a garage.

Power to require intending passengers to wait in lines or queues.

63.—(1) For the better regulation of persons desiring to travel in omnibuses the Corporation may make byelaws applicable within the borough or any part thereof requiring persons waiting to enter such omnibuses at any stopping place or terminus to wait in lines or queues and to enter the omnibus in which they respectively desire to travel in the order in which they stood in such lines or queues So long as any such byelaws remain in force the Corporation may erect and maintain barriers and posts at any such stopping place or terminus to which such byelaws relate and for that purpose may use part of the highway :

Provided that no barrier or post shall be erected maintained or provided nor shall the Corporation require persons waiting at any stopping place or any terminus to wait in any line or queue so as to cause interference with or to render less convenient the access to or exit from any station or depôt belonging to the railway company nor shall any such barrier or post be erected maintained or provided on any bridge carrying any highway over the railway of the railway company.

(2) Any byelaws made under this section shall be made subject and according to the provisions of section 46 (Byelaws by local authority Promoters may make certain regulations) and section 47 (Penalties may be imposed in byelaws) of the Tramways Act 1870 and those provisions shall apply accordingly.

PART IX.

STREETS AND BUILDINGS.

Corporation may fix line of existing streets.

64.—(1) Where any street repairable by the inhabitants at large or any part of such street is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where at the corner of any street it is in their opinion desirable to set back the line of frontage in order to facilitate traffic or where in any other case it is in their opinion necessary or desirable that the line of frontage should be altered the

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or any part thereof. A.D. 1925.

(2) The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot with reasonable diligence be ascertained by fixing such notice to or on the premises.

(3) No new building erection excavation or obstruction shall be made or placed nearer to the centre of the street 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.

(4) The Corporation may and if required so to do by the owner shall purchase and the owner and all other persons interested shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by the Corporation under this section and the street and the same 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 powers of this section until a building shall have been erected on the land immediately behind the land to be purchased.

(5) 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 and other persons interested in any land for any loss or damage which he or they may sustain in consequence of the 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 adjoining land or building compensation in respect thereof for all

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

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

(6) The amount of compensation or purchase money to be paid by the Corporation under subsection (4) or subsection (5) 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 determining the amount thereof 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 or purchase money.

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

(8) Section 69 of the Act of 1901 is hereby repealed and any line of frontage which has been prescribed and defined under that section shall be deemed to have been prescribed and defined under this section.

Exchange of
parts of
streets
disused.

65. 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.

Adjustment
of bound-
aries.

66.—(1) For the purpose 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 laid out are submitted to the Corporation for approval the Corporation may 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 such 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 lands be determined on the application of the Corporation or any such 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 as aforesaid such sums as may be agreed upon or in default of agreement may be 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.

(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 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 persons 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 purposes 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

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. 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.

Further
powers as to
future line
of street.

67.—(1) The Corporation may at any time after
prescribing and defining the line of frontage of any
street in pursuance of the power conferred upon them by
the section of this Act of which the marginal note is
“Corporation may fix line of existing streets” on giving
six months’ previous notice in writing to the owner
require that any building or erection which or any part
of which was beyond or in front of any such line of
frontage at the date when the same was so prescribed or
defined shall be pulled down set back or altered so that
the same shall not project beyond or in front of such line of
frontage.

(2) The owner may and if so required by the Cor-
poration shall notwithstanding any contract lease or
agreement or any provision therein contained enter upon
any land building or erection affected by any requirement
of the Corporation under this section and carry out such
requirement.

(3) In the event of any building or erection being
pulled down set back or altered in accordance with any
requirement of the Corporation under this section the
Corporation shall make compensation to the owner
lessee and tenant of any such building or erection or to
any or either of them for any loss or damage sustained
by such owner lessee or tenant in consequence of such
building or erection being pulled down set back or
altered as aforesaid.

(4) The amount of any compensation payable under
this section and any other question under this section
the determination whereof is not otherwise provided for
by this Act shall in default of agreement be determined
in accordance with the provisions of the Lands Clauses
Acts but in estimating the amount of any such compensa-
tion the benefit arising from the widening or improvement
of the street and accruing to the property in respect of
which such compensation shall be payable shall be fairly
estimated and set off against such compensation.

(5) Any person who shall fail to comply with a
requirement of the Corporation under this section shall be
liable to a penalty not exceeding five pounds and to a
daily penalty not exceeding forty shillings.

68.—(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 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.

A.D. 1925.
—
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 Provided that he shall not under this subsection be required to pull down any building erected before the passing of this Act.

69.—(1) Whenever application shall be made to the Corporation to approve the formation on any estate or lands of a new street (including in that expression the widening of an existing street so as to form a new street) which in the opinion of the Corporation will form a main thoroughfare or a continuation of a main thoroughfare or means of communication between main thoroughfares in the borough or the continuation of a main approach or means of communication between main approaches to the borough it shall be lawful for the Corporation to require that the new street shall be formed of or widened to such a width not exceeding sixty feet as they shall determine.

Width of streets in certain cases.

(2) Nothing contained in subsection (1) of this section shall require any person to incur any greater expense in the execution of any street works than he would have been required to incur if the street had been of no greater width than forty-two feet and any additional expense incurred in the execution of street works by reason of the street being of such greater width shall be borne by the Corporation.

(3) The Corporation shall determine in any case what proportion of the width of any such new street shall be laid out as carriageway and as footway or footways

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. respectively and any such new street shall be formed accordingly.

Byelaws as to intersecting streets.

70. 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.

Surface water channels to be kept in good repair.

71. The owner or owners of any premises the water from which is carried away by any covered or uncovered drain or channel crossing the footpath in any public street shall keep such drain or channel and all gullies traps gates grates and appurtenances thereto belonging in good repair and any person who after reasonable notice in writing from the Corporation shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

Courts to be flagged and drained.

72.—(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 asphalt concrete 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.

73. When any passage stairs or approach which affords or afford access between one public street and another or over which the public have rights of way but which is or are not a highway repairable by the inhabitants at large is or are for want of repairs in such a state as to be a danger to the public or vehicles passing along such passage stairs or approach the Corporation may at the expense of the borough fund carry out such repairs (including the provision of handrails balustrades and parapet fences or walls) as may be reasonably necessary to obviate such danger without rendering themselves liable to the future maintenance of the passage stairs or approach so repaired by them.

A.D. 1925.

—
As to urgent repairs to stairs passages &c.

74.—(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.

Neglected structures.

(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

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

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.

As to
dangerous
buildings.

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

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

As to
hoardings
and similar
structures.

76.—(1) (a) No fence hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches shall be erected or brought forward on any land in any street—

(i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any local enactment; or

(ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 12 of the Housing &c. Act 1923; or

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888. A.D. 1925.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expense incurred by them in so doing from the offender.

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the date of the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

77. 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 As to repair of hoardings.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily from the owner any expense incurred by them in so doing.

As to erection of retaining walls.

78.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as 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 fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Restriction on placing rails beams &c. across streets.

79.—(1) It shall not be lawful for any person to fix or place any overhead rail beam pipe cable wire or other similar apparatus over across or along any street without the consent of the Corporation which consent the Corporation may give. Such consent shall be in writing under the hand of the town clerk and may contain such reasonable terms and conditions as the Corporation think fit.

(2) Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Nothing in this section shall extend to—

(a) Any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of that Act apply;

(b) Any apparatus belonging to the Postmaster-General;

(c) Any apparatus lawfully fixed and placed for telegraphic telephonic wireless telegraphic and telephonic or railway signalling purposes or for railway working by electricity.

80.—(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.D. 1925.
Power to
grant
licences for
bridges
over streets.

(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 :

(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.

(2) Provided further that 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 overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1924 be deemed part of the street or road which it crosses.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

(3) 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 he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(4) Notwithstanding anything contained in any licence given under this section no pier abutment or other structure shall be erected on any part of the carriage-way or footway of any main road maintained under section II (1) of the Local Government Act 1888 without the consent of the county council of Nottinghamshire.

(5) 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.

Means of
escape from
buildings in
case of fire.

81.—(1) Every new building which exceeds 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 tenements or as a tavern hotel hospital nursing home orphanage 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 case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) 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 flats or tenements or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a shop or restaurant in which sleeping

accommodation is or is intended to be provided if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein 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. A.D. 1925.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Corporation under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give 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.

(b) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under either of the said subsections.

(5) 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 requirement of the Corporation under this section.

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable under all the circumstances of the case.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

(7) The means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(8) This section shall not apply to any premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 apply.

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

Food
storage
accommoda-
tion to be
provided.

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

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

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

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

(3) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case. A.D. 1925.

83.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such regulations as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon. Restrictions on erection of temporary stands.

(2) Any person acting in contravention of this section or offending against any such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

84. Nothing contained in this Part of this Act except the sections whereof the marginal notes are— Saving for railway companies.

- Surface water channels to be kept in good repair;
- Courts to be flagged and drained;
- As to urgent repairs to stairs passages &c.;
- Restrictions on erection of temporary stands;
- As to hoardings and similar structures;
- As to repair of hoardings;

shall apply to any building (not used as a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to the 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 the railway company and used for the purposes (other than for a dwelling-house) of that company with the authority of Parliament.

A.D. 1925.

PART X.

SEWERS DRAINS AND WATERCOURSES.

Power to reconstruct drain if laid in contravention of Public Health Act 1875.

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

As to repair of private drains.

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

Watercourse choked up to be a nuisance under Public Health Act 1875.

87. Any watercourse or any part or parts thereof respectively within the borough so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such watercourse notwithstanding that the same may not be injurious to health:

Provided that this section shall not apply to the choking or silting up of any watercourse by the working of any mines in a manner proper and necessary for the

beneficial working thereof and according to the usual manner of working such mines in the district. A.D. 1925.

88.—(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 forty shillings 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 in accordance with the provisions of the Arbitration Act 1889.

89. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any river stream or brook so as to interfere with the due flow of such river stream or brook shall be liable to a penalty not exceeding forty shillings. Penalty for throwing rubbish into streams.

90.—(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 Water-courses to be culverted in certain cases.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

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

(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.

Further
saving for
railway
companies.

91. Nothing contained in this Part of this Act except the sections whereof the marginal notes are—

Watercourse choked up to be a nuisance under
Public Health Act 1875;

Penalty for throwing rubbish into streams;

shall apply to any building (not used as a dwelling-house) or work constructed by or belonging to or which may hereafter be constructed by or belong to the railway company in the exercise of their statutory powers and used for the purposes (other than for a dwelling-house) of that company with the authority of Parliament.

PART XI.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

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

92.—(1) No person being the parent or having the 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 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.

A.D. 1925.

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

93.—(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 in certain events.

(2) Any person responsible for the conduct or management of any 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 twenty shillings.

94. Any person being the parent or having the care or charge of a child attending 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 principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings. Provided that in any proceeding under this section a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

Special provisions to prevent spread of infectious diseases.

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

Extended meaning of "infectious disease" for certain purposes.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

—
Penalty on
withholding
information
from medi-
cal officer.

96.—(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.

Removal of
person
suffering
from pul-
monary
tuberculosis
to hospital.

97.—(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 borough or within a convenient distance of the borough subject to the consent of the superintending body of such hospital or place and subject to the like consent for the retention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

(2) The medical officer shall give to the person so suffering or some person having the 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. A.D. 1925.

(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 borough 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 dependants.

(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 the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.
—
Disinfection
in case of
tuberculosis.

98.—(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 part thereof would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or such part thereof will be cleansed and disinfected by and at the cost of the 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.

(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 town clerk and who shall produce his authority enter on any premises between the hours of nine o'clock in the forenoon and six o'clock in the afternoon.

(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 to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have

been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

A.D. 1925.

(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 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 full compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

99. 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.

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

100. When any person suffering from infectious disease shall die the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and in such case 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.

Removal of body of person dying of infectious disease.

101. Whenever the medical officer shall report in writing to the Corporation or to a committee of the council that there is a prevalence of infectious disease in the borough or in any adjoining or neighbouring

Medical inspection of inmates of common lodging-

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.
houses &c.
when
infectious
disease
prevails.

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

- (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 medically examine any person found in any common lodging-house 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 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.

102.—(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 for such closing may make an order for the closing of such house until the same shall have been disinfected to the satisfaction of and certified to be free from infection by the medical officer and any keeper of a common lodging-house who shall receive any lodger or suffer or permit any lodger to remain in such house after an order has been made to close the same and during the continuance of such order shall be liable to a penalty of five pounds for every day during which the offence continues.

A.D. 1925.

Power to close infectious common lodging-houses.

(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.

103.—(1) The following provisions shall apply to any room shop or other part of a building in which any article whether solid or liquid intended or adapted for 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 :—

Sanitary regulations for premises used for sale &c. of food for human consumption.

- (a) Any such room shop or other part of the building except a room or building or part of a building used as a cold store shall be properly ventilated to the reasonable satisfaction of the medical officer;
- (b) No urinal watercloset earthcloset privy ashpit or other like sanitary convenience shall be within such room shop or other part of the building or shall communicate therewith except through the open air or through an intervening ventilated space;
- (c) No cistern for supplying water to such room shop or other part of a building shall be in direct communication with and directly discharge into any such sanitary convenience;
- (d) No drain or pipe for carrying of faecal or sewage matter shall have any inlet or opening within such room shop or other part of a building;

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

- (e) No such room shop or other part of a building shall be used as a sleeping place and so far as may be reasonably necessary to prevent risk of infection or contamination of any such articles as aforesaid no sleeping place shall adjoin such room shop or other part of a building and communicate therewith except through the open air or through an intervening ventilated space;
- (f) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of a building except so far as may be reasonably necessary for the proper carrying on of a trade or business;
- (g) Due cleanliness shall be observed in regard to such room shop or other part of a building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of a building.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a 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 or workshop within the meaning of the Factory and Workshop Act 1901.

104.—(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 or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(c) Omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice cream or other similar commodity to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

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

Provided that no compensation shall be payable in respect of any ice cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

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

(4) (a) The medical officer and the sanitary inspector and any other officer 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

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. in or on which the same are offered for sale as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

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

Byelaws as to food.

105.—(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 food.

(2) Before making any byelaws relating to meat under the provisions of this section the Corporation shall submit the draft thereof to and shall discuss the same with the Mansfield and District Beef and Pork Butchers' Association.

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

(4) 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 food the Corporation shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister of Health with regard thereto.

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

106.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute any article of food or any bladder or balloon inflated or capable of inflation by human breath from any cart barrow or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connection with the business of rag and bone merchants.

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds. A.D. 1925. —

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

(2) Where any animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 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 section 117 of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

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

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

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

108. 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 sanitary inspector and the Public Health Acts shall apply as if such veterinary inspector were mentioned in the said section in addition to the medical officer and the sanitary inspector.

Entry on
premises
used for
storage
&c. of food.

109.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have power to enter the premises of any vendor of or merchant or dealer in any food or any premises where any food is for the purposes of sale deposited or stored or in preparation for sale for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any premises on which he suspects that there is any contravention of a byelaw made under the section of this Act of which the marginal note is "Byelaws as to food."

(2) On any such inspection the said officer of the Corporation shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor if required and if he intends to submit any sample to analysis he shall forthwith notify to the vendor merchant or dealer or the agent of such person his intention to have the same analysed and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the analyst.

(3) Any person who without reasonable excuse refuses entry into or inspection of such premises as aforesaid or obstructs such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Houses in-
fested with
vermin to be
cleansed.

110.—(1) If the medical officer or the sanitary inspector has reasonable cause to believe 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. A.D. 1925.

(2) Where on the certificate of the medical officer or sanitary inspector it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing the 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 whether any requirement contained in any notice given or any work done by the Corporation was reasonable and 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.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

As to filthy
premises.

111.—(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 is 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 payment of money) of the Summary Jurisdiction Act 1879.

(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.

Cleansing of
verminous
persons.

112.—(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. A.D. 1925.

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

(3) 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.

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

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

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

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

Cleansing of children and their clothing.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed time he shall be liable to a penalty not exceeding ten shillings and 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

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

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 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 person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

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

(6) For the purposes of this section the expression "medical officer" includes the medical officer appointed by the Corporation under the Education Act 1921 or under any Act repealed by that Act.

Wilful
damage to
drains
water-
closets &c.

114. If any person cause any drain watercloset earthcloset 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.

115.—(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.

A.D. 1925.
—
Regulation
dustbins.

(2) Every owner or occupier having provided dustbins pursuant to this section shall maintain the same in good order and condition and shall remove or fill in to the reasonable satisfaction of the surveyor any ashpit for which the same has been substituted.

(3) 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 obligations under subsection (2) of this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(4) Except as is hereinafter provided this section shall not authorise the Corporation to require the provision of a dustbin thereunder in any case in which a receptacle in use at the first day of January one thousand nine hundred and twenty-five is of suitable size and in proper order and condition. Provided that the Corporation may in any case they think fit require the provision of a dustbin in lieu of any ashpit in use at the first day of January one thousand nine hundred and twenty-five but in such case they shall except where the medical officer or the sanitary inspector shall have certified that owing to wilful neglect on the part of the owner or occupier after due notice to keep the same in proper repair any such ashpit is in such a state as to create a nuisance or be injurious to health bear and pay such sum towards the expense of providing such dustbin (being not less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of such expenses shall be borne by the owner or occupier.

(5) Section 44 (Regulation dustbins) of the Act of 1905 is hereby repealed.

116.—(1) It shall not be lawful for any person to use any ashbin or dustbin for any purpose other than the deposit of dust cold ashes or other house refuse

Restriction
as to use of
dustbins.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. (not being of a liquid or partly liquid character) intended
for removal by or on behalf of the Corporation.

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

Power to
prohibit
tents vans
&c.

117.—(1) If any squatter or gipsy or other person dwelling in a tent or van or other similar structure occupies land within three hundred yards of any dwelling-house and the occupation of such land by him is a nuisance or injurious to health a court of summary jurisdiction may on complaint by the Corporation make an order prohibiting (either absolutely or subject to conditions) the further occupation of such land or any other land within a radius of one thousand yards thereof by such squatter gipsy or other person and if the order be not complied with the squatter gipsy or other person shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) The Corporation before making any complaint shall give to the owner or lessee of the land so occupied, or to the person who has suffered the land to be so occupied not less than seven days' notice in writing of their intention so to complain and shall at the same time give a similar notice to any squatter gipsy or other person with regard to whom the complaint is intended to be made.

(3) This section shall not apply to any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder (not being a pedlar or hawker).

Discontinu-
ance of
offensive
trade.

118.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 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 or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate 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

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

to use such premises for the carrying on of such offensive trade :

A. D. 1925.

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 within the meaning of the section of this Act of which the marginal note is "As to appeals" and that the provisions of that section shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under 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.

(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 compensation for any loss sustained by him in consequence of the action of the Corporation. 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.

119.—(1) For the purpose of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as amended by section 51 (Power to declare a business to be an offensive business) 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 in writing of the Corporation—

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

(a) it is removed from one set of premises to any other premises; or

(b) it is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or

(c) any premises on which it is for the time being carried on are enlarged;

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

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 tenancy 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 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.

PART XII.

COMMON LODGING-HOUSES.

As to periods of letting as affecting common lodging-houses.

120. No house or part of a house shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this Part of this Act or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

Power to refuse registration.

121.—(1) The Corporation may without prejudice to their powers under the Public Health Acts refuse to register or to renew the registration of any house as a common lodging-house unless they are satisfied—

- (a) that the premises are suitably equipped for use and occupation as a common lodging-house; or
- (b) that the use of the premises as a common lodging-house is not likely to occasion inconvenience or annoyance to the inhabitants or persons in the district in which the premises are situate.

(2) If the Corporation refuse to grant or renew registration under this section they shall if required by the applicant deliver to him a statement in writing of the

ground or grounds upon which such registration is refused. A.D. 1925.

(3) If the registration or renewal of registration be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of such refusal and that not less than twenty-four hours' notice of such appeal be sent to the Corporation.

(4) If the registration or renewal of registration be refused upon the ground that the premises are not suitable or suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a properly qualified surveyor or architect to examine and report to them upon the condition of such premises and their suitability for the purposes of a common lodging-house.

(5) The costs of any such appeal including the expenses of any such examination and report as aforesaid shall be paid in such manner and by such parties to the appeal as the court may direct.

(6) On any such appeal the court may after considering any representations made by the Corporation either confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.

122.—(1) Section 69 of the Public Health Acts Amendment Act 1907 shall in its application to the borough be read as if the words "if that person is newly registered after the commencement of this section" were omitted from subsection (2) of the said section. Further provisions as to registration of common lodging-houses.

(2) Notwithstanding anything in the Public Health Acts 1875 to 1907 the registration of a common lodging-house whether registered before or after the passing of this Act shall remain in force only for such time not exceeding one year as may be fixed by the Corporation but may be renewed from time to time by the Corporation.

123. Section 80 of the Public Health Act 1875 shall operate so as to include the making by the Corporation of byelaws as regards the maintenance in good condition and free from obstruction of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house and Byelaws as to common lodging-houses.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any byelaw applicable thereto and of a placard setting forth the cubicle contents and the accommodation thereof.

Procedure on death of common lodging-house keeper.

124. Notice shall be given to the Corporation of the death of any common lodging-house keeper forthwith after the same shall have occurred and the right by section 77 of the Public Health Act 1875 conferred upon the widow or any member of the family of a common lodging-house keeper to keep such common lodging-house open and to receive lodgers therein for four weeks after such death without registration shall not be exerciseable unless such notice shall have been duly given.

Commencement and special notice of this Part of this Act.

125. This Part of this Act shall not come into force until the day after the date on which Part V. of the Public Health Acts Amendment Act 1907 shall be declared by the Minister of Health to be in force within the borough. And at a time not less than one month before such date the Corporation shall give notice of the provisions of this Part of this Act to the keeper of every common lodging-house in the borough.

PART XIII.

PUBLIC BUILDINGS PARKS &C.

Power to provide and let town hall and other buildings.

126.—(1) The Corporation may on lands of which they are for the time being the owners erect and construct and hold furnish equip maintain insure and carry on a town hall municipal buildings public halls and assembly rooms and other public buildings with suitable committee rooms entertainment rooms reading rooms refreshment rooms kitchens cloak rooms lavatories conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to them.

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

(3) The Corporation may grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of public or other meetings or for other purposes approved by the Corporation on such terms and conditions as they may think fit. A D. 1925.

127.—(1) For the purpose of athletic meetings cricket football and other games or any of them the Corporation may subject to the provisions of this Act:— Power to let recreation grounds &c. to cricket clubs &c.

(a) Lay out any portion of any public park or pleasure ground set apart by them under the provisions of the Public Health Acts Amendment Act 1907;

(b) Purchase take on lease or otherwise acquire by agreement and lay out other lands;

(c) From time to time let to any club company body or persons the whole or any portion of such land or of any portion of a public park or pleasure ground so set apart; and

(d) Upon any such lands or upon any portion of any public park or pleasure ground so set apart erect construct and maintain all proper and convenient houses pavilions dressing rooms and other buildings works and conveniences.

128. The Corporation may subject to the provisions of this Act 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 of any enclosure in any public park or pleasure ground or land for the time being vested in them or under their control whether set apart under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 or under any other power and for the use of chairs and other conveniences provided by them therein. Power to charge for admission &c.

129.—(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions art schools art galleries and amusements and for the sale of refreshments in any public building hall or room for the time being belonging to them or in any public park or pleasure ground or land for the time being vested in them or under their control Provision of concerts entertainments &c.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — and may make such charges as they may think fit for admission thereto.

(2) For any of the purposes of subsection (1) of this section or in connection with any such purpose the Corporation may—

- (a) Let any such building public park or pleasure ground or land as is referred to in subsection (1) of this section or any part thereof for such periods and upon such terms and conditions as they may think fit Provided that any letting for the purpose of the sale of refreshments shall not extend beyond a period of one month unless tenders have been previously invited;
- (b) Enclose any area in any such public park or pleasure ground or land as aforesaid;
- (c) Provide and sell or authorise any person or persons to provide and sell programmes;
- (d) Make byelaws for securing good and orderly conduct; and
- (e) Pay or contribute towards the cost of providing and maintaining advertisements.

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

(4) Section 57 of the Mansfield Corporation Act 1905 is hereby repealed.

Limiting
letting and
user of
parks &c.

130. Nothing in the foregoing provisions of this Part of this Act shall empower the Corporation so to let at one and the same time more than fifty per centum of the total area of the public parks and pleasure grounds for the time being belonging to them or under their control.

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

The powers given by the foregoing provisions of this Part of this Act shall not be exercised in such a way as to contravene any covenant or condition subject to which any public park or pleasure ground so set apart as aforesaid is held by the Corporation. A.D. 1925.

131. The Corporation shall have power to close the lands belonging to them and known as the Chesterfield Road recreation ground for the purpose of granting the use of the same either gratuitously or for payment to any public charity or institution or for any agricultural horticultural or other show or cricket match. Provided that such lands shall not be closed on a Sunday or for more than twenty-four days in a year or more than four consecutive days on any one occasion. Occasional closing of Chesterfield Road recreation ground.

132.—(1) 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 public 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. Power to appoint officers.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

133. 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 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. Use of swimming baths for exhibitions and entertainments.

134.—(1) Any swimming bath of the Corporation when closed under the provisions of this Act or of section 5 (Powers to close swimming baths for a limited period) of the Baths and Washhouses Act 1878 and any portion thereof may although a licence is granted in respect Use of baths for music and dancing.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — thereof for music or dancing be let otherwise than occasionally and money for admission thereto may be taken at the doors.

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

Entertain-
ments
undertaking

135. The properties in this Part of this Act mentioned when used by the Corporation for or in connection with any concert entertainment athletic meeting exhibition or amusement and the rights powers and privileges held or exerciseable by the Corporation in connection with such user shall be called "the entertainments undertaking."

PART XIV.

RATING PROVISIONS.

Commence-
ment and
interpreta-
tion.

136.—(1) This Part of this Act shall come into operation on the thirty-first day of March one thousand nine hundred and twenty-six.

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

"The parish" means the parish of Mansfield;

"The overseers" means the overseers of the parish;

"The poor rate" means the poor rate of the parish;

"The consolidated rate" means the poor rate as by this Part of this Act authorised to be levied and collected.

Council
to be
overseers.

137.—(1) (a) Notwithstanding anything to the contrary contained in any Act or Order from and after the commencement of this Part of this Act the council shall be the overseers 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—

(i) Any person designated by the Corporation as hereinafter mentioned to perform duties in relation to the preparation of the jurors' book and the register of electors shall have the powers and duties and be subject to the

liabilities of overseers under the enactments relating to these subjects; A.D. 1925.

- (ii) In the application to the parish of section 54 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 any ward of the parish;
- (iii) In the application to the parish of sections 13 to 16 and section 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;
- (iv) 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 Second 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.

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

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

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

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

[Ch. xcvi.] *Mansfield Corporation* [15. & 16 GEO. 5.]
Act, 1925.

A.D. 1925. (3) References in any Act to the overseers shall be construed as references to the council and the legal interest in all property vested in the overseers (other than property connected with the affairs of the church or held for an ecclesiastical charity within the meaning of the Local Government Act 1894) shall vest in the council.

(4) Where the overseers as such are either alone or jointly with any other persons trustees of any parochial charity such number of members of the council or other persons not exceeding the number of the 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 vestry.

138. On 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 parish shall cease to be so vested or exerciseable and every such right custom privilege or power shall for and within the parish be vested in and exerciseable by the Corporation.

Appointment of assistant overseers and other officers.

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

(2) The registration officer may before the preparation of the 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.

(3) (a) Any assistant overseer appointed by the council and all officers appointed or to be appointed by

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

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 Mansfield Union under section 61 of the Poor Law Amendment Act 1844.

(4) Any person holding at the commencement of this Part of this Act the office of assistant overseer for the parish shall (subject to the provisions of this section) after the commencement of this Part of this Act become an officer of the Corporation acting by the council as overseers.

(5) The Corporation may abolish the office or situation of any person holding the office of assistant overseer which they deem unnecessary and any such person required to perform duties such as are not analogous or which are an unreasonable addition to those which he was required to perform may relinquish his office or situation.

(6) Every person whose office or situation is so abolished or who so relinquishes his office or situation or whose services are dispensed with on the ground that they are not required or for any reason not being on account of any misconduct or incapacity or whose salary wages or remuneration are reduced on the ground that his duties have been diminished or who otherwise suffers any direct pecuniary loss by reason of the provisions of this section shall be entitled to be paid compensation for such pecuniary loss to be determined and paid by the Corporation subject to appeal to the Minister of Health in accordance with the provisions contained in section 120 of the Local Government Act 1888 relating to compensation to existing officers and those provisions shall apply accordingly as if they were herein re-enacted with the necessary modifications:

Provided that the expression in subsection (1) of section 120 of the Local Government Act 1888 "the Acts and rules relating to Her Majesty's Civil Service" shall mean the Acts and rules relating to His Majesty's

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 Geo. 5.]
Act, 1925.

A.D. 1925. Civil Service which were in operation at the date of the
— passing of the Local Government Act 1888 and that in
the said section the Minister of Health shall be substituted
for the Treasury.

Expenses to
be paid out
of borough
fund and
rate.

140.—(1) All expenses of the Corporation which if
this Act had not been passed would have been payable
out of and all rates charges damages penalties and other
moneys which if this Act had not been passed would
have been paid or carried to the credit of the district fund
and general district rate or either of them shall be
charged on and defrayed out of or paid and carried to the
credit of the borough fund and the borough rate and in
any case for which no specific provision is made in this
Act any reference to the district fund or general district
rate in any Act or Provisional Order in force in the
borough or in any mortgage of or charge on such fund or
rate granted by the Corporation in pursuance of the
provisions of any such Act or Order shall be deemed to
be a reference to the borough fund and the borough rate.

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

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

Contribution
to borough
rate to be
paid out of
poor rate.

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

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

A.D. 1925.

—
Poor rate to be called "the consolidated rate."

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

Differential consolidated rate in certain cases.

- (1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament or Order made under the Light Railways Act 1896 for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year only sixty-two and one-half per centum of the rate in the pound payable in respect of hereditaments not within the provisions of this section :

(2) Provided that—

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

(b) If the Agricultural Rates Act 1923 shall expire before the expiration of the Agricultural Rates Act 1896 "thirty-eight per centum" shall during the continuance of the latter Act be substituted for "twenty-five per centum" in paragraph (a) of this subsection ;

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

of 1925.
Belle
-1900
Belle

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

“The owner of tithe rentcharge attached to a benefice shall be liable to pay only sixty per centum of the amount payable under subsection (1) of the section of the Mansfield Corporation Act 1925 of which the marginal note is ‘Differential consolidated rate in certain cases’ in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining forty per centum thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of the estate duty grant”:

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

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

(d) The amount of the contribution for any purposes to be made by the township out of the consolidated rate; or

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

A.D. 1925.

144.—(1) If any occupier referred to in subsection (1) of the section of this Act of which the marginal note is "Differential consolidated rate in certain cases" claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions for the county of Nottingham holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days' notice in writing of such appeal and of the grounds thereof be given by the appellant to the overseers.

Appeals.

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

145. If the Corporation so require they acting by the council as overseers shall in pursuance of the provisions of section 15 (Overseers may make poor rate payable by instalments) of the Poor Rate Assessment and Collection Act 1869 declare that any consolidated rate made by them for a period exceeding three months shall be paid by instalments at such times as shall have been previously specified by the Corporation.

Payment of consolidated rate by instalments.

146. Any water rate rent or charge payable to the Corporation may be collected together with the consolidated rate and the same books may be used for the said rate rent or charge.

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

147. The consolidated rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the consolidated rate and the 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.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

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

As to
recovery of
consolidated
rate.

Service of
demand.

Rating of
owners
instead of
occupiers.

148. For the purposes of section 133 (Until completion of works promoters shall make good any deficiency of land tax and poor's rate caused by lands being taken) of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be fifty per centum of the amount in the pound of the consolidated rate.

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

150. Section 267 (Service of notices) of the Public Health Act 1875 shall apply to any demand for the consolidated rate to be served by the overseers or to any demand account or notice in respect of any charge made by the Corporation.

151.—(1) The owner instead of the occupier may from time to time at the option of the Corporation be rated to the consolidated rate—

- (a) where the rateable value of the property does not exceed ten pounds; or
- (b) where the premises are let in separate apartments; or
- (c) where the rents are collected weekly:

Provided that the owner so rated shall be bound to pay such rate whether the premises are occupied or not and shall be entitled to a deduction of not exceeding thirty per centum from the amount of the rate when paid by him if he shall pay the same within six months after the rate shall have been made if made for a period of one year or within three months after the rate shall have been made if made for any less period or in either case within two months after the same shall have been demanded whichever shall be the later.

(2) When the Corporation exercise the option under this section of causing the owner to be rated instead of the occupier the overseers shall rate the owner accordingly and the provisions of this section shall apply within the borough in substitution for the provisions with regard

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcviij.]
Act, 1925.

to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 and in section 211 of the Public Health Act 1875. A.D. 1925.

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

Provided that (except for purposes connected with the preparation of and preliminary to a general re-valuation 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 fourteen days after receipt of such notice as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and any person who wilfully makes or causes to be made a false return shall be liable to a penalty not exceeding ten pounds.

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

(4) Nothing in this section shall require a railway company to include in any return which they may be

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — required to send to the overseers particulars with respect to their running lines sidings or stations or any hereditaments therein.

Amendment
of con-
solidated
rate.

153. In addition and without prejudice to any other powers which may be exercised by them the overseers of the parish may amend the consolidated rate of the parish by inserting therein the name of any person claiming or entitled to have his name inserted or by inserting the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been assessed or by increasing or reducing the sum at which any person has been assessed if it appears to the overseers that he has been under-rated or over-rated and such increase or reduction is required to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate or by making any other alteration which would make the rate conformable to the provisions of this Act and no such amendment shall be held to avoid the 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 the amount of whose rate is increased by the amendment or whose name is thereby newly inserted until seven days after such notice has been given to him.

Borough
rate may
include
working
balance.

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

PART XV.

A.D. 1925.

FINANCIAL.

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

Power to borrow.

Purpose. 1.	Amount. 2.	Period. 3.
(a) For new service reservoir mains and other waterworks purposes.	£ 63,000	Forty-five years from the date or dates of borrowing.
(b) For the purchase of lands for and the construction of the street improvements by this Act authorised.	251,000	Sixty years from the date or dates of borrowing.
(c) For the payment of costs charges and expenses of 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 as may be necessary for any of the other purposes of this Act including the provision of working capital for the borough fund.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister with whose consent the same is borrowed and that period shall be “the prescribed period” for the purposes of this Act.

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

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

(4) The provisions of this subsection shall not limit the powers conferred upon the Corporation by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

Certain provisions of Public Health Acts not to apply.

156. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for those purposes shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Amendment of section 133 of Act of 1901.

157. Section 133 (Sinking fund) of the Act of 1901 shall be read and have effect as if in lieu of the words "three pounds per centum per annum" the words "three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve" had been inserted in subsection (1) thereof.

Application of sections of Acts of 1901 and 1905 as to borrowing.

158. The following sections of the Act of 1901 and the Act of 1905 as amended by this Act shall (with the necessary modifications and subject to the provisions of this Act) extend and apply mutatis mutandis to the moneys borrowed under this Act namely:—

Of the Act of 1901—

- Section 129 (Provisions of Public Health Act 1875 as to mortgages to apply);
- Section 130 (Mode of raising money);
- Section 132 (Mode of payment off of money borrowed);
- Section 136 (Saving existing charges);
- Section 137 (Appointment of receiver);
- Section 138 (Power to reborrow);
- Section 140 (Application of money borrowed);
- Section 151 (Audit of accounts).

Of the Act of 1905—

- Section 63 (Sinking fund may be adjusted in certain events):

Provided that section 129 shall be read and have effect as if the same had been expressed to be made subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes." A.D. 1925.

159.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

(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 principal sums 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 town clerk 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 inspection by any mortgagee and other person entitled to any mortgage granted under this section 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.

(6) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — estate 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 town clerk 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 estate 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 penalty not exceeding twenty pounds.

Evidence of transfer or transmission of securities.

160. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk 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. A.D. 1925.
—

161. 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.

162. 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. Period for repayment of loans under Municipal Corporations Act 1882.

163. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation. Receipt in case of persons not sui juris.

164. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages or books of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money. Corporation not to regard trusts &c.

165. A person lending money to the Corporation under any statutory borrowing power shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or of the conditions attaching to the statutory borrowing power under which the money is borrowed or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof. Protection of lender from inquiry.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

Repeal of
sections 134
and 135 of
Act of 1901.

Power to use
sinking fund
instead of
borrowing.

166. Section 134 (Protection of lender from inquiry) and section 135 (Corporation not to regard trusts) of the Act of 1901 are hereby repealed.

167.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of moneys borrowed by the Corporation Provided that the Corporation shall not use for such purpose any sinking fund which has been set aside in respect of any loan raised on mortgage and shown by the mortgage to have been raised in exercise of a particular borrowing power Provided also that when exercising the powers of this section the Corporation shall—

- (a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (b) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;
- (c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(2) When any of the moneys are discharged by the application of any part of the sinking fund the moneys so discharged shall be deemed to be in respect of such

one or more of the borrowing powers under which the moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in such proportions as the Corporation shall determine Provided that the amount of the moneys deemed to be discharged in respect of any borrowing power shall not exceed the amount of the contributions paid in to the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

A.D. 1925.

168. Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (in this section respectively referred to as "the lending fund.") and not for the time being required for the purpose for which the moneys have been accumulated subject to the following conditions:—

Use of
moneys
forming
part of
reserve and
other funds.

- (1) The moneys so used shall be repaid by the borrowing fund to the lending fund as and when required for meeting the obligations for which the said fund was established and if and so far as they are not so required within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be payable:

Provided that the Corporation may if they so determine repay to the lending fund the money so used at any time within the period aforesaid:

- (2) Interest shall be paid by the borrowing fund to the lending fund on any moneys so used and for the time being not repaid to the fund and 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 mortgage under the statutory borrowing power and shall be paid out of the revenues of the Corporation:
- (3) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

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 and the provisions of any enactment as to the reborrowing of sums raised under the statutory borrowing power shall apply thereto.

Consolidated
loans fund.

169.—(1) Notwithstanding anything contained in any other Act the Corporation may if they think fit 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 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 borrowed without security in connection with the exercise of statutory borrowing powers;
- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers:

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

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

- (a) In the exercise of any statutory 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: A.D. 1925.

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

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

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

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

171.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed after the passing of this Act by virtue of any statutory borrowing power such sinking fund shall be formed and maintained either— Sinking fund.

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(b) By payment to the fund throughout the prescribed period of—

(i) such equal annual sums as will with accumulations at a rate not exceeding three and a half per centum per annum or such higher rate as the Minister of Health may from time to time approve be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed; and

(ii) such annual sums as are equivalent to interest on the amount from time to time in the fund at the rate per centum per annum on which the annual payments to the fund under paragraph (i) hereof are based;

A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund shall (subject to the provisions of this Act) unless applied in repayment of the loan in respect of which the sinking fund is formed be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) All interest on the investments of a sinking fund shall be carried by the Corporation to the credit of the borough fund and shown in the accounts of the Corporation under the separate heading or division in respect of the particular undertaking or department against which the annual payments to the fund under subsection (1) of this section are chargeable.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year during the residue of the prescribed period a sum equal to the interest which would have been produced in that year by such sinking fund or part thereof so applied if invested and accumulated at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act. A.D. 1925.

(6) 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.

(7) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(8) 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.

(9) 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.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

(10) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister of Health may determine.

(11) The foregoing provisions of this section shall also apply with respect to any sinking fund formed by the Corporation for the repayment of any moneys borrowed before the passing of this Act under any statutory borrowing power and the Corporation shall make such adjustments of any existing sinking funds and of their books and accounts relating thereto as the Minister of Health may sanction or require and the said provisions shall accordingly supersede section 133 (Sinking fund) of the Act of 1901 and any provisions in any other former Act relating to the Corporation with respect to the formation of sinking funds.

Scheme for
fixing
equated
periods.

172.—(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 powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(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 Corpora-

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

tion 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. A.D. 1925.

(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.

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

174. As from the thirty-first day of March one thousand nine hundred and twenty-six all money received by the Corporation on account of the revenue of any of the trading undertakings (including the interest on any reserve fund authorised in connection therewith when such fund amounts to the prescribed maximum) shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of each of those undertakings shall be paid out of the borough fund. Revenue and expenses of trading undertakings.

175. The Corporation may if they think fit maintain a reserve fund in respect of each trading undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-tenth of the aggregate capital for the time being expended by the Corporation upon the undertaking and such fund shall be applicable for the payment to the borough fund in any year in which as shown by the accounts to be kept in pursuance of the provisions of the section of this Act of which the marginal note is "Separate accounts in respect Reserve funds.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. of trading undertakings" the payments and expenses made and incurred in respect of the undertaking shall exceed the money received in respect of the same undertaking of a sum not exceeding the amount of such excess or of meeting 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 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.

Separate
accounts in
respect of
trading
under-
takings.

176.—(1) As from the thirty-first day of March one thousand nine hundred and twenty-six the Corporation shall keep their accounts so as to distinguish capital from revenue and as regards the revenue account to show under a separate heading or division in respect of each of the trading undertakings on the one side all receipts 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 costs of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) The amount (if any) paid to a reserve fund created by the Corporation in accordance with the provisions of the section of this Act of which the marginal note is "Reserve funds";
- (e) All other expenses (if any) of the undertaking properly chargeable to revenue.

(2) As from the thirty-first day of March one thousand nine hundred and twenty-six section 142 (Application of revenue from undertakings) and section 143 (Deficiency in revenues) of the Act of 1901 and Article 52 (Application of revenue) of the Mansfield Electricity Order 1899 are hereby repealed.

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

177. Whenever the total money received on account of revenue accrued subsequently to the thirty-first day of March one thousand nine hundred and twenty-six in respect of the gas undertaking the water undertaking or the electricity undertaking shall exceed the total of the expenses incurred after the said date on account of revenue in respect of the same undertaking as shown by the accounts to be kept in pursuance of the provisions of the section of this Act of which the marginal note is "Separate accounts in respect of trading undertakings" (including any payments to a reserve fund) the Corporation shall so far as practicable apply such excess in so reducing or adjusting the charges for the supply of gas water or electrical energy as the case may be that in their judgment the money thereafter to be received on account of revenue in respect of the undertaking shall be equal to the amount of the expenses on account of revenue in respect of the same undertaking.

A.D. 1925.

—
Provision
for
reduction
of gas
water and
electricity
charges.

178. 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 borough fund and borough rate.

Expenses of
execution of
Act.

179. In all cases in which the Corporation keep separate accounts for separate purposes they shall as far as may be 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 in order to show the financial position of each undertaking to which the accounts relate.

Apportion-
ment of
items.

180.—(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 and 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."

Appointed
auditors.

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

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

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

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

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

181.—(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 any statutory borrowing power.

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

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or

sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any 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.

A.D. 1925.

(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 local Acts or Provisional Orders now in force in the borough notwithstanding anything contrary to or inconsistent therewith in any such Act or Order.

PART XVI.

MISCELLANEOUS.

182.—(1) The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882—

Subscrip-
tions to
local
government
associations
and other
expenses.

(a) Reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other 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;

(b) 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 persons residing in or visiting the borough.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

(2) 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 nursing institution 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 borough rate of one penny 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
grant gra-
tuities in
certain
cases.

183.—(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 gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

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

(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who is not entitled to a gratuity under the School Teachers (Superannuation) Act 1918 or any other Act for the time being in force relating to the superannuation of teachers and who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not so provided) or permanently and exclusively employed in any school college or hostel provided by the Corporation for the purposes of higher education under the provisions of the Education Act 1921.

184.—(1) The Corporation may if they think fit establish a fund (to be called “the compensation fund”) to provide for payments by way of compensation for injury or accidents to persons employed by or paid by or through the Corporation.

A.D. 1925.
—
Workmen's
compensa-
tion fund.

(2) In each year after the establishing of such fund the Corporation may pay into the same such amount as the Corporation may from time to time determine until the fund amounts to ten thousand pounds when they shall discontinue such payments but so that if at any time or times the fund be reduced below that amount the Corporation may recommence the said payments and continue the same until the fund be restored to the said amount.

(3) The Corporation shall provide the yearly sums aforesaid by contributions from the revenues of the undertakings or from the respective funds which would be properly chargeable with the payment of compensation for injury or accidents to persons in the employ of the Corporation and if in any case there shall be no revenue or fund so chargeable then by contributions from the borough fund and borough rate.

(4) Resort may be had by the Corporation to the fund although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(5) Except so far as the fund and the proceeds of the sale of securities in which it is invested may be necessary to meet the payments thereout all moneys for the time being standing to the credit thereof shall be invested in statutory securities and accumulated at compound interest until the fund amounts to the said sum of ten thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds thereof shall be carried to the credit of such funds rates and revenues in such proportions as the Corporation may determine.

(6) If at any time it should be necessary for making any payment for any compensation to which this section relates to borrow money the Corporation may with the sanction of the Minister of Health borrow the necessary sum on the security of the funds rates revenues and properties of the Corporation.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5]
Act, 1925.

A.D. 1925.

(7) Nothing in this section shall be deemed to limit the liability of the Corporation if in any year the claims for compensation exceed the sum contributed by them to the said fund.

Fidelity
guarantee
fund.

185. The Corporation may if they think fit form a fund (to be called the "fidelity guarantee fund") to provide for making good any loss which they or the guardians of any union within which the borough is situate may sustain in consequence of the dishonesty of any person employed by or paid by or through the Corporation or the failure of any such person to perform faithfully the duties of his office and such fund shall be formed by annually appropriating thereto such sums out of any revenues of the Corporation which are properly chargeable with such sums as they from time to time deem expedient and such fund and the interest thereon (except to the extent from time to time required to make good any such loss as aforesaid or to defray any expenditure in consequence thereof) shall be invested in statutory securities.

Education
accident
fund.

186. The Corporation may if they think fit form a fund (to be called the "education accident fund") to provide for meeting claims that may be made upon them as the local education authority for the borough in respect of any accident or injury occurring to any person employed by them or paid by or through them or to any child or person attending the schools in the borough and such fund shall be formed by annually appropriating thereto such sums out of the borough fund as the Corporation from time to time deem expedient and such fund and the interest thereon (except to the extent from time to time required to meet any such claims as aforesaid or to defray any expenditure in consequence of any such accident or injury) shall be invested in statutory securities.

Fire alarms.

187. The Corporation may erect or fix street fire alarms in such positions in any street road or public place 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 :

Provided also that the Corporation shall not erect or fix any fire alarm so as to cause interference with or

render less convenient the access to or exit from any station or depôt of the railway company. A.D. 1925.

188. 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 shingle in upon or under the streets of such dimensions and in such positions as the Corporation may from time to time determine : Street orderly bins:

Provided that the Corporation shall not provide or maintain any orderly bins or other receptacles so as to cause interference with or render less convenient the access to or exit from any station or depôt of the railway company.

189.—(1) All steam or waste gas ejected from any stationary engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public. Ejection of steam and waste gas to annoyance of public.

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

190.—(1) No person shall use a stationary internal combustion engine unless he shall provide and use an effective silencer on the exhaust of such engine and shall at all times at his own expense keep such silencer in proper repair and the Corporation shall have access to any such engine and be at liberty to test and inspect any silencer used with such engine at all reasonable times. Silencers for internal combustion engines.

(2) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

191. The Corporation may in connection with and for the purposes of their gas undertaking and of their electricity undertaking respectively fit up show-rooms and offices and exhibit specimen installations and give demonstrations of the uses to which gas or electricity can be put and may appoint and pay persons for the purposes aforesaid. As to offices and show-rooms.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.
—
Attachment
of brackets
&c. to
buildings.

192.—(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 :

Provided that—

- (a) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to the tribunal 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 the tribunal 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 tribunal shall have the same powers as under the first proviso to this section;
- (c) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

(2) For the purposes of this section any occupier of a structure whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack-rent shall be deemed to be the owner and "the tribunal" means (a) in cases where the consent is refused by the railway company in respect of a structure belonging to that company and used for the purposes of their undertaking an arbitrator to be appointed failing agreement on the application of the railway company or the

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

Corporation by the President of the Institution of Civil Engineers and the decision of such arbitrator shall be final and (b) in all other cases a court of summary jurisdiction. A.D. 1925.
—

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

194. The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875. Expenses may be declared private improvement expenses.

195. Save as otherwise in this Act expressly provided the provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under this Act other than byelaws made under the section of this Act of which the marginal note is "Power to require intending passengers to wait in lines or queues." General provisions as to byelaws.

196. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part IX. (Streets and buildings) of this Act as if those purposes had been mentioned in the said section 102. Power to enter premises.

197. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part IX. (Streets and buildings) or Part X. (Sewers drains and water-courses) or Part XI. (Infectious disease and sanitary provisions) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to Penalty on occupier refusing execution of Act.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Authentica-
tion and
service of
notices &c.

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

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

In executing
works for
owner
Corporation
liable for
negligence
only.

199. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of 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. A.D. 1925.

200. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of 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 or other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. As to breach of conditions of consent of Corporation.

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

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

203. 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 otherwise having jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

204. 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 recoverable Recovery of penalties &c.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — as penalties but may be recovered summarily as civil debts.

Several sums in one summons.

205. Where the payment of more than one sum by any person is due under any Act or order from time to time in force within the borough any summons or warrant issued for the purposes of any such Act or order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

As to appeals.

206. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part IX. (Streets and buildings) Part X. (Sewers drains and water-courses) Part XI. (Infectious disease and sanitary provisions) or Part XII. (Common lodging-houses) of this Act or by any order made by a court of summary jurisdiction under any of the said provisions may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Compensation how to be determined.

207. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Saving for indictments &c.

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

Inquiries by Minister of Health.

209.—(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 con-

ferred 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 the Minister under the Public Health Act 1875. A.D. 1925.
—

(2) The Corporation shall pay to the Minister of Health any expenses incurred by the 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 the Minister not exceeding five guineas a day for the services of such inspector.

210. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board." Inquiries by Minister of Transport.

211. 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. Application of section 265 of Public Health Act 1875.

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

213. 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 Powers of Act cumulative.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925. — 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.

Crown
rights.

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

Costs of
Act.

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

The SCHEDULES referred to in the
foregoing Act.

A.D. 1925.

FIRST SCHEDULE.
(Section 32.)

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

Work. Numbers on deposited Plans.

STREET IMPROVEMENTS.

Work No. 2	-	6 11 18.
Work No. 3	-	6 7 8 13 14 18 19.
Work No. 5	-	44 64.
Work No. 7	-	19A 29 43 44 45 46 47 48 50 51 57 58 59 60 61 68 69 70 71 71A 72 74 75 75A 75B 76 76A 76B 76C 76D 76E 77 77A 77B 77C 77D 79 79A 79B 79C 79D 79E 79F 79G 79H 79I 79J.
Work No. 9	-	93 93A 93B 93C 93D 93E 94 95 96 97.
Work No. 10	-	98.
Work No. 15	-	2 3 4 5.
Work No. 16	-	6.
Work No. 18	-	4 5 6 8 9 10 12 13 15 16 17 18 19 20 22 23 24 25 26 27 28 29 30 31 32 33 34.
Work No. 19	-	35 36.
Work No. 20	-	1 2 3.
Work No. 21	-	4 5 6 7 8 9 10 11 12 13 16 16A 16B 16C 16D 16E 16F.
Work No. 22	-	18 19 20.
Work No. 23	-	26 27 41 42.
Work No. 24	-	44 45 46 47 48 49 50.
Work No. 25	-	53 54 55 56 57 61 69 70 71 72 73 75 76 77 79 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 108 109 110 111 112 113.
Work No. 26	-	2 3 4 5 6.

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

SECOND SCHEDULE.

(Section 137.)

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.

(Section 152.)

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER PARTICULARS TO BE RENDERED UNDER THE MANSFIELD 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 - - - -</p>	

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcvi.]
Act, 1925.

A.D. 1925.

<p>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 - - - - - or (b) Partly as a dwelling-house and partly for trade or business purposes - - - - - or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - - (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (d) Nature of the business (if any) -</p>	<p>(a) (b) (c) (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>
<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>

[Ch. xcvi.] *Mansfield Corporation* [15 & 16 GEO. 5.]
Act, 1925.

A.D. 1925.

<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) £</p>	<p>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>(b) £</p>	<p>Borne by the</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.

FOURTH SCHEDULE.

(Section 159.)

FORM OF MORTGAGE.

BOROUGH OF MANSFIELD.

By virtue of the Mansfield Corporation Act 1925 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Mansfield (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the

[15 & 16 GEO. 5.] *Mansfield Corporation* [Ch. xcviij.]
Act, 1925.

treasurer of the borough by _____ of A.D. 1925.

(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 the 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 office of the treasurer of the said borough (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 borough 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 herewith and shall operate and take effect as though they had been originally inserted herein.

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

Town Clerk.

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____ consenting the within-mentioned time for repayment of the within-mentioned principal sum of _____ is

