

[18 & 19 GEO. 5.]

*Accrington  
Corporation Act, 1928.*

[Ch. xcv.]



## CHAPTER xcv.

An Act to extend the boundaries of the borough of Accrington to empower the Corporation to provide and work trolley vehicles and omnibuses to acquire lands and execute street works to make further provision with respect to their tramways trolley vehicles omnibus and electricity undertakings and the health local government and improvement of the borough and for other purposes. [3rd August 1928.]

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**W**HEREAS the borough of Accrington in the administrative county of Lancaster is a municipal borough under the government of the mayor aldermen and burgesses of the borough of Accrington (in this Act called "the Corporation") and the Corporation acting by the council of the borough are the sanitary authority for the borough with the powers and obligations of an urban sanitary authority:

And whereas the unrepealed provisions of the local Acts specified in the First Schedule to this Act are in force in the borough:

And whereas the parish of Huncoat in the rural district of Burnley is situate in the administrative county of Lancaster and adjoins the borough:

And whereas it is expedient to alter and extend the boundaries of the borough so as to include within the

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And whereas—

- (a) the Haslingden Union includes the parish of Accrington which is co-extensive with the borough; and
- (b) the Burnley Union includes the said parish of Huncoat;

and it is expedient to extend the boundaries of the parish of Accrington so as to include therein the said parish of Huncoat :

And whereas the Corporation are the owners of and are working a system of tramways within the borough and certain places adjacent to the borough and it is expedient to confer further powers upon them with regard to the provision and working of trolley vehicles along authorised tramway routes :

And whereas it is expedient to empower the Corporation to provide and work omnibuses within and beyond the borough :

And whereas it is expedient to make further provision with respect to the tramway trolley vehicle and omnibus undertakings of the Corporation as in this Act provided :

And whereas it is expedient that the Corporation should be empowered to construct street widenings and improvements and a new street in the borough and acquire lands for those purposes and that further powers should be conferred upon them with respect to the acquisition of lands :

And whereas the Corporation are the owners of the markets undertaking within the borough and it is expedient that further powers should be conferred upon them with regard to that undertaking and to the fairs held within the borough :

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 should be enlarged as is provided in this Act :

And whereas it is expedient to make further provision with regard to the finances of the Corporation :

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows (that is to say) :—

	£
For the provision of trolley vehicles	- 40,000
For the provision of electrical equipment and the construction of other works necessary for working the trolley vehicles authorised by this Act	- 10,000
For the provision of omnibuses	- 25,000
For the erection of buildings for the purposes of the omnibuses of the Corporation	- 15,000
For the construction of the new street and street widenings and improvements by this Act authorised	- 28,601

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 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 palatine of Lancaster which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

A.D. 1928. — Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

## PART I.

## PRELIMINARY.

Short title.

1. This Act may be cited as the Accrington Corporation Act 1928.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Extension of borough.

Part III.—Tramways trolley vehicles and omnibuses.

Part IV.—Street works.

Part V.—Lands.

Part VI.—Markets fairs and slaughter-houses.

Part VII.—Electricity.

Part VIII.—Streets and buildings.

Part IX.—Sanitary and health provisions.

Part X.—Hackney carriages and police.

Part XI.—Finance.

Part XII.—Miscellaneous.

Incorporation of general Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act (namely) :—

(1) The Lands Clauses Acts with the following exception and modification :—

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

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

- (2) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 (with the exception of sections 83 and 84 of that schedule) as extended or amended by the Electricity (Supply) Acts 1909 to 1926. A.D. 1928.

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

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

“ The appointed day ” means the first day of April nineteen hundred and twenty-nine;

“ The existing borough ” means the borough of Accrington as existing immediately before the appointed day;

“ The extended borough ” means the existing borough as extended by this Act;

“ The borough ” means until the appointed day the existing borough and thereafter the extended borough;

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

“ The council ” means the council of the borough;

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

“ The county ” and “ the county council ” mean respectively the administrative county of Lancaster and the county council of that county;

“ The borough map ” means the map marked “ Map of the borough of Accrington as extended by the Accrington Corporation Act

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- “ 1928 ” and signed in triplicate by Colonel Abraham England the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred of which copies are to be deposited as mentioned in the section of this Act of which the marginal note is “ Deposit of maps ” ;
- “ The parish of Huncoat ” means the existing parish of Huncoat and “ the Huncoat Council ” means the parish council of the said parish ;
- “ The rural district ” and “ the rural council ” mean respectively the rural district of Burnley and the rural district council of that district ;
- “ The added area ” means the parish of Huncoat added to the existing borough by this Act ;
- “ The parish of Accrington ” means the existing parish of Accrington as extended by this Act ;
- “ The Haslingden Union ” and “ the Haslingden Guardians ” mean respectively the poor law union bearing that name and the board of guardians of that union ;
- “ The Burnley Union ” and “ the Burnley Guardians ” mean respectively the poor law union bearing that name and the board of guardians of that union ;
- “ The Act of 1888 ” and “ the Act of 1894 ” mean respectively the Local Government Act 1888 and the Local Government Act 1894 ;
- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 ;
- “ The Municipal Corporations Acts ” means the Municipal Corporations Act 1882 and the Acts amending and extending the same ;
- “ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same ;
- “ The Act of 1907 ” and “ the Act of 1918 ” mean respectively the Public Health Acts Amendment Act 1907 and the Representation of the People Act 1918 ;

- “ The Act of 1925 ” means the Rating and Valuation Act 1925;
- “ Existing ” in relation to any area altered by this Act means existing immediately before the appointed day;
- “ Local authority ” means a local authority as defined in section 3 of the Local Government and other Officers’ Superannuation Act 1922 and includes a standing joint committee of a county;
- “ Officer ” includes a servant and any person whose remuneration is paid by a local authority;
- “ The Minister ” means the Minister of Health;
- “ The street works ” means the street widenings and improvements and the new street and the works in connection therewith respectively authorised by this Act;
- “ The electricity undertaking ” “ the tramway undertaking ” “ the trolley vehicle undertaking ” “ the omnibus undertaking ” and “ the markets undertaking ” mean respectively the electricity undertaking the tramway undertaking the trolley vehicle undertaking the omnibus undertaking and the markets undertaking of the Corporation as for the time being authorised;
- “ The electricity limits ” means the limits within which the Corporation are for the time being authorised to supply electricity;
- “ The Corporation tramways ” includes any tramways for the time being belonging or demised to or worked by the Corporation;
- “ Trolley vehicle ” means a mechanically propelled vehicle adapted for use without rails upon roads and moved by electrical power transmitted thereto from some external source;
- “ Trolley vehicle routes ” means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;
- “ Omnibus ” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and

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- every other motive power not being animal power) obtained from some internal source;
- “ Hackney carriage ” has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus;
- “ Road authority ” means with reference to any road or part of a road over which any proposed trolley vehicle or omnibus service will pass or in which any police telephone call box or street fire alarm shall be fixed under the powers of this Act the person charged with or liable to contribute to the maintenance of such road or part of a road;
- “ The tribunal ” means the tribunal to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- “ Daily penalty ” means a penalty for each day on which an offence is continued by a person after conviction;
- “ The Improvement Act of 1882 ” means the Accrington Improvement Act 1882;
- “ The Tramways Act of 1882 ” means the Accrington Corporation Tramways Act 1882;
- “ The Act of 1905 ” means the Accrington Corporation Act 1905;
- “ The local Acts ” means the local Acts specified in the First Schedule to this Act;
- “ Statutory security ” and “ statutory borrowing power ” have the same respective meanings as those assigned to them by the Act of 1905;
- “ Revenues of the Corporation ” includes the revenues of the Corporation from time to time arising from any lands 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 general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough or until the date



when the first new valuation list made under Part II of the Act of 1925 comes into force in the borough the borough fund and borough rate of the borough; A.D. 1928.

“ Provisional Order ” includes a Special Order and an order having effect as an Act of Parliament;

“ Telegraphic line ” has the same meaning as in the Telegraph Act 1878.

## PART II.

### EXTENSION OF BOROUGH.

5. This Part of this Act shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject matter or context inconsistent therewith come into operation on the appointed day: Commence-  
ment of this  
Part of Act.

Provided that for the purposes of all proceedings preliminary or relating to any local government election to be held for any area constituted or affected by this Part of this Act in the year nineteen hundred and twenty-nine this Part of this Act shall operate from the date of this Act.

6.—(1) The boundary of the existing borough shall be altered so as to include in addition to the area of the existing borough the parish of Huncoat. Extension of  
borough.

(2) The boundary of the extended borough shall be that shown by the inner edge of the red line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough.

7.—(1) The parish of Huncoat shall be added to the parish of Accrington and the parish of Accrington shall form part of the Haslingden Union. Alteration  
of parishes  
and unions.

(2) The parish of Huncoat shall cease to form part of the Burnley Union.

8.—(1) The borough map shall within two weeks after the passing of this Act be deposited as to one copy in the office of the Clerk of the Parliaments in the House of Lords as to another copy in the Committee and Private Bill Office of the House of Commons and as to the third copy with the town clerk at his office. Deposit of  
maps.

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(2) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent by him within one month after the passing of this Act to the clerk of the county council to the clerk to the rural council to the clerks to the Haslingden and Burnley Guardians respectively to the Minister to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Electricity Commissioners.

(3) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the contents of the borough map so far as it relates to the boundaries of the borough and the map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(4) All fees so received shall be carried to the credit of the general rate fund.

Existing  
mayor and  
aldermen.

9. The persons who hold office immediately before the appointed day as mayor and aldermen of the existing borough shall on the appointed day become the mayor and aldermen of the borough and shall respectively retire from office on the day on which they would have retired from office if this Act had not been passed.

Number of  
councillors.

10. The number of councillors of the borough shall be increased from twenty-four to twenty-five.

Division of  
borough  
into wards.

11. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of the number and boundaries of wards and the number of councillors the following provisions shall have effect:—

- (a) For the purposes of the election of councillors the borough shall be divided into nine wards;
- (b) The existing wards and the number of councillors respectively assigned thereto shall remain unaltered;

- (c) So much of the borough as comprises the added area shall constitute a new ward to be named the Huncoat Ward; A.D. 1928.  
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- (d) One councillor shall be assigned to the Huncoat Ward.

**12.**—(1) The first election of a councillor for the Huncoat Ward constituted by this Part of this Act shall be held on the twenty-sixth day of March nineteen hundred and twenty-nine. Election of councillor for new ward.

(2) The mayor of the existing borough shall be the returning officer at any election for the said ward held before or after the tenth day of November nineteen hundred and twenty-nine but may appoint some other person to act as returning officer at any such election.

**13.** The councillor elected for the Huncoat Ward in the year nineteen hundred and twenty-nine shall retire on the first day of November nineteen hundred and thirty-two. Retirement of councillor for new ward.

**14.** For the purposes of the application to the borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added area shall be deemed to have always formed part of the borough. County and Borough Councils (Qualification) Act 1914.

**15.** Subject to the provisions of section 54 of the Act of 1888 and section 2 of the Representation of the People Act 1922— County electoral divisions.

- (1) The parish of Huncoat shall be separated from the Briercliffe electoral division of the county and shall be added to the Accrington north division of the county :
- (2) The person who immediately before the appointed day is the county councillor representing the existing Accrington north division shall continue in office and be deemed to have been elected for that division as altered by this Act and shall retire on the day on which he would have retired if this Act had not been passed :
- (3) The person who immediately before the appointed day is the county councillor representing the said Briercliffe electoral division of the county shall continue in office and shall be

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deemed to have been elected to represent that division as altered by this Act and shall retire on the day on which he would have retired if this Act had not been passed.

Jurisdiction  
of borough  
justices &c.  
extended.

**16.**—(1) The powers and duties of the justices of the peace for the existing borough and of the clerk to those justices and of the police constables and other peace officers of the existing borough shall extend to and apply throughout the borough :

Provided that—

- (a) every person committing an offence in any part of the added area prior to the appointed day shall be tried and dealt with as if this Act had not been passed;
- (b) every proceeding which prior to the appointed day has been begun by or before any justice in relation to any matter arising in or concerning any part of the added area may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(2) The added area shall cease to form part of any petty sessional division of the county.

Officers of  
Corporation  
continued.

**17.** The town clerk and all other officers of the Corporation of the existing borough who hold office at the appointed day shall continue to be the town clerk and officers of the Corporation of the borough and shall hold their offices by the same tenure as on the appointed day.

Borough  
auditors.

**18.** The auditors of the existing borough who are in office on the appointed day shall continue in office for such period as may be necessary to enable them to complete the audit of the accounts of the Corporation of the treasurer and of their officers for the financial year ending on the thirty-first day of March nineteen hundred and twenty-nine and while in office shall for the purposes of those accounts be the borough auditors.

Corporation  
property  
&c.

**19.** Subject to the provisions of this Part of this Act all property vested in the Corporation at the appointed day for the benefit of the existing borough shall

by virtue of this Part of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which at the date aforesaid are exercisable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the date aforesaid attach to the Corporation in respect of the existing borough shall from and after that date attach to them in respect of the borough.

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20. Subject to the provisions of this Act and to any necessary adjustment so much of any sums borrowed by the Corporation as will at the appointed day be owing and charged upon a fund or rate levied within the existing borough shall be charged upon the corresponding fund or rate to be levied within the borough and shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Mortgage  
debts of  
Corporation.

21.—(1) Subject to the provisions of this Act the unrepealed provisions of—

Local Acts  
and Orders.

- (a) The local Acts specified in the First Schedule to this Act; and
- (b) Any other local Act or Provisional Order duly confirmed (other than the Accrington Electric Lighting Order 1890 and the Accrington Corporation Electric Lighting (Extension) Order 1911) and affecting the existing borough or the Corporation;

as the same respectively are in force within the existing borough at the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof.

(2) The provisions of any protective enactment for the benefit of the county council the Huncoat Council or the rural council (or the predecessors of any of those councils) contained in any local Act confirmation Act or Provisional Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the added area enure to the benefit of the Corporation

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and shall be construed as if a reference to the Corporation were substituted for any reference to such council (or their predecessors) as the case may be.

Adoptive  
Acts.

**22.**—(1) The provisions of the Baths and Wash-houses Acts 1846 to 1925 the Public Libraries Acts 1892 to 1919 the Public Health Acts Amendment Act 1890 the Infectious Disease (Prevention) Act 1890 the Museums and Gymnasiums Act 1891 (as to museums) the Local Government and other Officers' Superannuation Act 1922 and the Public Health Act 1925 which are in force in the existing borough shall be in force in and apply to the borough as if the same had been adopted for the borough.

(2) The provisions of any adoptive Acts other than the Acts mentioned in subsection (1) of this section shall cease to be in force in any part of the added area.

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force at the appointed day throughout the existing borough shall extend and apply to the added area and any such order in force on the day aforesaid in the added area shall save as hereinbefore provided cease to be in force in that area.

Corporation  
to be local  
authority  
for certain  
Acts.

**23.** For the purposes of the Small Dwellings Acquisition Acts 1899 to 1923 the Notification of Births Acts 1907 and 1915 and the Maternity and Child Welfare Act 1918 the Corporation shall be the local authority for the borough.

Powers  
under Act  
of 1907 and  
Public  
Health Act  
1925.

**24.** Subject to any order which the Minister or the Secretary of State may make after the appointed day the following provisions shall have effect as regards orders made under the Act of 1907 or the Public Health Act 1925 :—

(1) The provisions of any order made before the appointed day whereby any parts or sections of either of the said Acts are in force in the existing borough shall have effect as if any reference in that order to the borough as it existed at the date of such order extended and applied to the borough and as if the said parts or sections were accordingly declared to be in force in the borough :

(2) Any other order under either of the said Acts which is in force at the appointed day throughout the existing borough shall extend and apply to the added area : A.D. 1928.

(3) The provisions of any order made before the appointed day and declaring to be in force in any part of the added area any parts or sections of either of the said Acts shall cease to apply to any such part and subject to the provisions of this section the parts or sections declared by any such order to be in force shall cease to be in force in any such part but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

**25.** Subject to the provisions of any order which the Minister may make after the appointed day an order may be made by the Minister under section 33 of the Act of 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of any existing parish affected by this Part of this Act as if this Act had not been passed. Orders under section 33 of Act of 1894.

**26.** Any order made under the Shop Hours Act 1904 or under the Shops Act 1912 or any subsequent Act providing for the closing of shops and in force immediately before the appointed day in any area affected by this Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applied immediately before the appointed day. Orders under Shop Hours Act 1904 or Shops Act 1912.

**27.—**(1) The local registrar for the rural district under the Land Charges Act 1925 and the rules made thereunder shall within one calendar month after the appointed day supply to the town clerk as the local registrar for the borough an office copy of every entry in the local land charges register relating to any premises situate within the added area and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules. Land charges register.

(2) The town clerk as the local registrar for the borough shall within one month after the receipt of the office copies mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate parts of the local land charges register of the borough.

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(3) Until the entries are made as aforesaid or until the expiration of two calendar months from the appointed day whichever be the earlier the following provisions shall have effect in respect of all land in the added area :—

- (a) The town clerk as the local registrar for the borough shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the rural district;
- (b) Where application is made for an official search the town clerk as local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the rural district the application received by him together with the fees paid in respect thereof;
- (c) The local registrar for the rural district shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed.

Saving for entries in local land charges registers.

**28.** Where a local land charge duly registered in the local land charges register of the rural council is in pursuance of this Act transferred from the register of the rural council to the register of the Corporation as provided for in the immediately preceding section of this Act such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the local land charges register of the borough.

Byelaws and regulations.

**29.—(1)** All byelaws made under the Public Health Acts and in force within the existing borough or within the added area immediately before the appointed day shall—

- (a) if made before the first day of January nineteen hundred and fifteen continue to apply to the existing borough or to the added area as the case may be for three years after the appointed day (unless previously repealed or altered by the



Corporation) but shall on the expiry of three years cease to be in force within the borough : A.D. 1928.

(b) if made on or after the first day of January nineteen hundred and fifteen continue to apply to the existing borough or to the added area as the case may be until repealed or altered by the Corporation.

(2) All other byelaws made by the Corporation or by the watch committee of the existing borough which immediately before the appointed day are in force throughout the existing borough shall extend and apply to the borough until such byelaws be altered or repealed. All byelaws other than those to which subsection (1) of this section applies made by the county council or by the standing joint committee of the county or by the rural council or the council of the added area and in force immediately before the appointed day in any part of the added area shall on that day cease to be in force therein.

(3) In their application to the added area any byelaws continued in force by this section shall have effect as if they had been made by the Corporation and as if the added area were referred to therein instead of the area to which they now apply.

(4) Any proceedings which if this Act had not been passed might have been taken for any offence against any byelaw committed before the appointed day within the added area may be taken by the Corporation.

(5) In this section " byelaws " includes any regulation scale of charges list of tolls or table of fees or payments and the phrase " byelaws made under the Public Health Acts " means byelaws which under the Ministry of Health Act 1919 are subject to confirmation by the Minister whether made before or after the passing of that Act.

**30.** Any resolution passed or other proceeding taken by the rural council under the Town Planning Act 1925 or any enactment thereby repealed (including agreements orders and consents entered into made or given under that Act or repealed enactment) shall in so far as they relate to land within the added area have effect as if they had been passed or taken by the Corporation in respect of the added area. Town  
planning  
schemes.

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As to exist-  
ing poor law  
orders.

**31.**—(1) All poor law orders in force immediately before the appointed day in the Haslingden Union and applicable to the existing parish of Accrington shall extend and apply to the parish of Accrington.

(2) All poor law orders in force immediately before the appointed day in the added area as a parish in the Burnley Union shall cease to apply to that area.

County  
police.

**32.**—(1) At the appointed day such members of the police force of the county (if any) as shall have been determined by agreement subject to the approval of the Secretary of State between the standing joint committee of the county and the watch committee of the Corporation or in default of agreement by the Secretary of State shall be transferred to and become part of the police force of the borough:

Provided that no member of the police force of the county shall be so transferred without his consent.

(2) Every member of the county police force so transferred shall hold office in the police force of the borough upon the same tenure and subject to the same terms and conditions as the other serving members of the borough police force of the same rank as such member and any period of service which he was entitled to reckon before such transfer for purposes of pay promotion or pension in the county police force shall be reckoned for the same purpose in the borough police force:

Provided that where the scale of ordinary pensions applicable to a member of the county police force who is so transferred is by virtue of section 29 (1) (a) of the Police Pensions Act 1921 a scale other than that prescribed in Part I of the First Schedule to that Act such scale shall continue to apply to him as if he had not been so transferred.

(3) The provisions of subsection (2) of section 8 (Continuous service in two or more forces) of the Police Pensions Act 1921 shall extend and apply to and in relation to any member of a police force transferred under this section as if that member had removed with the written sanction of the chief constable of the county and notwithstanding that at the date of the transfer such member may not have completed one year's approved service in the county police force.

**33.**—(1) Any county police station situate in the added area with any residence for constables or cell connected therewith and the site and the fittings and furniture thereof shall by virtue of this Act be transferred to and vest in the Corporation as from the appointed day for all the estate and interest therein of the county council and section 68 (Adjustment of property and liabilities) of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section.

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County  
police  
stations.

(2) In the event of the amount of the consideration for the transfer of the property which by virtue of this section is transferred to and vested in the Corporation not being ascertained before the appointed day the date of the final ascertainment of the consideration shall for the purposes of section 12 of the Finance Act 1895 be treated as the date of vesting.

**34.** For the purposes and subject to the provisions of the Education Act 1921—

Transfer of  
public ele-  
mentary  
schools &c.  
to Corpora-  
tion.

(1) All public elementary schools provided by the county council as local education authority and situate in the added area and the furniture fittings books and apparatus belonging to the county council of any public elementary school in the added area shall by virtue of this Act be transferred to and vested in the Corporation as the local education authority for all the estate and interest therein of the county council as the local education authority :

(2) All contracts debts and liabilities which at the appointed day are existing or are owing by or attach to the county council in respect exclusively of any public elementary school in the added area or of the furniture fittings books or apparatus or with respect to the officers and teachers of any public elementary school in the added area and to school attendance officers school nurses and other persons employed whole time in connection with education services exclusively in the added area shall by virtue of this Act enure to and be carried into effect by and be discharged and satisfied by the Corporation as the local education authority :

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- (3) Section 68 (Adjustment of property and liabilities) of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section :
- (4) Subject to any adjustment which may hereafter be made the liability for the repayment of so much of any loan raised exclusively in respect of any public elementary school or in respect of the furniture fittings or apparatus transferred to and vested in the Corporation by virtue of this Act as will be owing at the appointed day and the liability for the payment of interest on that part of the said loan shall by virtue of this Act be transferred and attach to the Corporation as the local education authority and so much of any such loan as will be owing at the appointed day shall be charged on the general rate fund and the general rate and shall be repaid by the Corporation within the period for which that part of the loan was originally sanctioned or within which the said part of the loan is otherwise required to be repaid or is made repayable :
- (5) In this section " public elementary school " includes the site and school house and also any land acquired and held by the county council as the local education authority for purposes of elementary education.

Education  
byelaws and  
managers.

**35.**—(1) Any byelaws under the Education Act 1921 or any enactment repealed by that Act which may be in force in the existing borough immediately before the appointed day shall apply to the borough until revoked or altered by the Corporation in substitution for any such byelaws which may be in force in the added area.

(2) Every manager of any elementary school in the added area who was appointed by the county council or by the parish council or nominated by the rural council shall vacate office at the appointed day.

Powers pro-  
perty &c. of  
rural coun-  
cil.

**36.**—(1) The rural council shall cease to exercise any powers or discharge any duties within any part of the added area.

(2) Subject to any necessary adjustment all property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation exclusively to any part of the added area shall by virtue of this Act be transferred to and vest in the Corporation as urban authority.

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(3) Any property or liabilities vested in or attaching to the rural council in relation to any part of the added area conjointly with any other area shall be a matter for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

**37.** The Minister may on the application of the rural council and the Huncoat Council or either of them (such application to be made in writing before the expiration of the period of two months from the passing of this Act) order that the total amount in the pound of the general rate to be made and levied upon rateable hereditaments situate in the added area shall be less than the total amount in the pound of the general rate to be made and levied upon hereditaments within that part of the borough which prior to the appointed day comprised the existing borough by such sum or sums and for such period as may seem equitable to the Minister after considering any representations that may be made to him by the Corporation but any order made under this section shall not apply to or in respect of hereditaments situate in the added area and used as a railway constructed under the powers of any Act of Parliament for public conveyance.

Minister  
may order  
differential  
rating in  
added area.

**38.** The number of the guardians of the Haslingden Union shall be thirty-three and the number of guardians of the parish of Accrington shall be thirteen.

Guardians of  
the Hasling-  
den Union  
and parish of  
Accrington.

**39.—**(1) Subject to the provisions of the Poor Law Act 1927 the parish of Accrington shall for the purposes of the election of guardians be divided into nine wards which shall be respectively co-terminous with and shall bear the same names as the municipal wards of the borough.

Division of  
parish of  
Accrington  
into wards.

(2) Two guardians shall be assigned to each of the wards of the parish of Accrington excepting only West Ward North Ward Spring Hill Ward Higher Antley

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Ward and Huncoat Ward to each of which one guardian shall be assigned.

(3) The persons who are at the appointed day members of the Haslingden Guardians for the existing parish of Accrington shall continue in office as guardians representing the same respective wards in the parish of Accrington as bear the same names as those for which they were elected until the day on which they would have retired if this Act had not been passed and shall then go out of office.

(4) An election of the guardian of the poor for the Huncoat Ward of the parish of Accrington shall be held in the month of March in the year nineteen hundred and twenty-nine and the guardian so elected shall come into office on the appointed day.

(5) Subject as hereinafter provided and to any directions which may be given by the Secretary of State the said election shall be conducted in conformity with the rules contained in the Guardians (Outside London) Election Order 1898 as amended by the Local Elections (Alteration of Rules) Order 1925 as if it were an election to fill an ordinary vacancy in the office of guardian :

Provided that Part (a) of the First Schedule to the said Election Order of 1898 shall have effect as if it required the notice of the election to be published not later than the twenty-second day of February nineteen hundred and twenty-nine and as if it fixed the nineteenth day of March in that year as the day of election.

(6) For the purposes of the election of guardian for the Huncoat Ward the clerk to the Haslingden Guardians or if he is unable to act such other person as the guardians may appoint shall be the returning officer.

(7) For the purposes of the provisions of the Poor Law Act 1927 relating to the qualification of guardians the parish of Accrington shall be deemed to have been extended on the first day of January nineteen hundred and twenty-eight.

(8) The guardian of the parish of Accrington elected in pursuance of this section for the said Huncoat Ward shall (subject to any orders which may be made under the Act of 1888 or the Poor Law Act 1927) retire and go out of office on the same day as the guardians

representing the other wards of the said parish retire and go out of office. A.D. 1928.

**40.** The person who immediately before the appointed day is acting as guardian for the parish of Huncoat shall after the appointed day cease to act as guardian for the Burnley Union and the total number of members of the Burnley Union shall be reduced by one. As to guardian for Huncoat.

**41.—**(1) The total number of councillors of the rural district shall be reduced by one. Rural district councillor.

(2) The person who immediately before the appointed day is the rural district councillor for the parish of Huncoat shall go out of office as rural district councillor on the appointed day.

(3) Any casual vacancy occurring in the office of rural district councillor for the said parish prior to the appointed day shall not be filled.

**42.—**(1) The Huncoat Council shall liquidate as far as practicable before the appointed day all current debts and liabilities incurred by them. Liquidation of current debts and liabilities of Huncoat Council.

(2) If default is made by the said council in complying with the requirements of subsection (1) of this section—

(a) The Corporation may in accordance with section 2 (5) of the Act of 1925 make and levy over the added area as an additional item of the general rate such an amount in the pound as will be sufficient to defray the liability of that area in respect of the current debts and liabilities of the Huncoat Council;

(b) Any such additional item of the general rate may be made retrospectively to raise money for the payment of charges and expenses incurred by the Huncoat Council at any time within one year before the appointed day.

**43.—**(1) As soon as practicable after the appointed day the county council and the rural council shall as regards any cash balance in their hands at the appointed day estimate the proportion thereof derived from contributions paid by the added area and subject to a deduction on account of undischarged liabilities in Apportionment of balances and sums received under precepts.

A.D. 1928. — respect of the added area accruing up to the appointed day shall transfer such amount to the Corporation.

(2) Any sum received after the appointed day by the county council or the rural council under a precept issued before that day in respect of the added area shall be dealt with in the manner prescribed by subsection (1) of this section.

(3) The apportionment under this section of any balance or sum received shall be subject to review on an adjustment under this Part of this Act.

Adaptation  
of provi-  
sions as to  
adjustment.

**44.** Subject to the provisions of this Part of this Act section 62 (Adjustment of property and liabilities) of the Act of 1888 shall apply to any adjustment which may become necessary in consequence of this Part of this Act and for the purposes of such application that section shall have effect—

- (a) as if in subsections (5) (6) and (7) thereof the expression "council" included any authority affected by this Part of this Act or by anything done in pursuance of this Part of this Act; and
- (b) as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister may sanction:

Provided that where the authority affected by this Act or by anything done in pursuance of this Act are the board of guardians of a poor law union section 62 of the Act of 1888 shall apply with respect to any necessary adjustment with the modifications specified in the Third Schedule to the Poor Law Act 1927.

Parochial  
adjust-  
ments.

**45.** For the purpose of the application of section 62 (Adjustment of property and liabilities) of the Act of 1888 to any adjustment which may become necessary in



consequence of this Part of this Act so far as it relates to the abolition of the parish of Huncoat that section shall have effect—

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(a) as if the general rate leviable under the Act of 1925 for the purposes of the said section as applied by this Act were substituted for any fund mentioned in that section; and

(b) as if for subsections (6) and (7) of the said section there were substituted the subsections hereunder appended (that is to say):—

“ (6) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that any amount shall be charged separately on a part only of any rating area the agreement or award may authorise the levying of that amount on that part of the rating area together with and as an additional item of the general rate in accordance with the provisions of subsection (5) of section 2 of the Act of 1925.

“ (7) Any capital sum paid for the purposes of any adjustment or in pursuance of any order or award of an arbitrator shall be applied by such person in such manner and for such purpose as the Minister may authorise or direct.”

**46.** Any balances standing at the appointed day in the books of the Burnley Guardians or the rural council to the credit or debit of the parish of Huncoat shall be carried to the credit or debit of the parish of Accrington in the Haslingden Union.

Balances in accounts of guardians or rural council.

**47.** Any balance immediately before the appointed day in the hands of or due to the rating authority of the parish of Huncoat shall be a matter for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

Balances and debts of rating authority.

**48.—**(1) The registration officer of the parliamentary county of Lancaster shall on publication supply the registration officer of the parliamentary borough of Accrington with a sufficient number of copies of the electors' lists the lists of objections to the electors' lists

Duplicate entries in electors' lists.

A.D. 1928. — the lists of claimants and the lists of objections to claimants for each registration unit comprising any part of the added area and shall forthwith notify the registration officer of that parliamentary borough of his decision on any objections or claims in respect of any such registration unit.

(2) It shall be the duty of the registration officer of the parliamentary borough to issue such notices and otherwise to take such steps as are required by rule 23 in the First Schedule to the Act of 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the borough for the purpose of borough council elections or in any ward of the parish of Accrington for the purpose of guardians' elections or in any electoral division of the county comprised in the borough for the purpose of county council elections.

(3) Where the registration officer of the parliamentary borough considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for the purpose aforesaid should be made in the electors' lists of any registration unit comprising any part of the added area which is within the parliamentary county of Lancaster he shall forthwith notify the registration officer of that parliamentary division and that officer shall make such correction accordingly.

(4) This section shall apply to the preparation of the register in nineteen hundred and twenty-eight and of later registers.

Provisions  
as to regis-  
ter of elec-  
tors.

**49.**—(1) In the preparation of the register of local government electors in nineteen hundred and twenty-eight so far as it relates to any area affected by this Part of this Act it shall be competent to the registration officer to frame the register in separate parts for each area which will constitute a registration unit after the appointed day instead of in separate parts for each area constituting a registration unit before the appointed day.

(2) If the register of local government electors for any electoral area affected by this Part of this Act is not so framed as to show the persons entitled to vote at an

election to be held for a parish or ward or other voting area— A.D. 1928.

- (a) the town clerk in the case of an election for any voting area within the borough; and
- (b) the registration officer of the parliamentary county in the case of an election for any voting area outside the borough;

shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election.

(3) It shall be the duty of the town clerk and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the rural council for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by any registration officer for the purpose of any alteration or re-arrangement authorised by subsection (2) of this section.

(4) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable to give effect to the provisions of this Part of this Act and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

**50.** Subject to the provisions of this Part of this Act—

- (1) The Huncoat Council shall cease to exist :
- (2) Any powers and duties transferred by or under the Act of 1894 to the Huncoat Council shall be vested in and imposed on the Corporation :
- (3) Any property or liabilities held or incurred by the Huncoat Council in relation exclusively to the parish of Huncoat or any portion thereof shall by virtue of this Act be transferred to vest in or attach to the Corporation :
- (4) Any property or liabilities held or incurred by the Huncoat Council in relation to the parish of Huncoat or any portion thereof conjointly with any other area shall by virtue of this Act be transferred to vest in or attach to the Cor-

Dissolution  
of parish  
council and  
powers pro-  
perty and  
liabilities of  
parish coun-  
cil &c.

A.D. 1928.

poration but shall be a matter for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

Settlement  
and removal  
of poor.

**51.**—(1) Every person who at any time before the appointed day has acquired or who immediately before that day is in the course of acquiring a settlement in any existing parish affected by this Part of this Act by reason of residence birth or other qualification in any part of the added area shall be deemed to have acquired or to be in the course of acquiring thereby a settlement in the parish of Accrington as if the added area had always been part of that parish.

(2) Every person who at any time before the appointed day has acquired or who immediately before that day is in the course of acquiring a status of irremovability from the existing Burnley Union by reason of residence in any part of the added area shall be deemed to have acquired or to be in the course of acquiring a status of irremovability from the Haslingden Union.

Application  
of Act of  
1925.

**52.**—(1) As from the date of the passing of this Act—

(a) The added area shall for all purposes connected with the making and approval of the first new valuation list under Part II of the Act of 1925 form part of the rating area of the borough and of the assessment area in which the borough is included;

(b) The Corporation shall be entitled to nominate on the assessment committee of the area within which the borough is included one additional representative.

(2) As from the appointed day—

(a) Any scheme made under the Act of 1925 for the constitution of an assessment area which includes any part of the added area shall be varied by excluding such part from such assessment area and the person who immediately before that day is the representative of any part of the added area on the assessment committee shall cease to represent the same;

(b) The parts of the added area so excluded shall be added to and form part of the rating area of the borough and of the assessment area in which the borough is included. A.D. 1928.

**53.** For the purposes of the first new valuation list of the borough to be prepared under the Act of 1925 and of any subsequent valuation list the amount of the deduction to be made from net annual value in the ascertainment of the rateable value of such rateable hereditaments within the added area as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to the Act of 1925 shall be thirty per centum and such alterations of the rateable value of rateable hereditaments within the added area shall be made by the Corporation in the first new valuation list as may be necessary to give effect to this provision. Deduction in ascertaining rateable value of tithes railways canals &c.

**54.**—(1) All rate books books of account minutes of proceedings deeds papers and writings belonging to the parish of Huncoat and all documents directed by law to be kept with the public books writings and papers of that parish except any book or document relating to ecclesiastical matters shall be deposited in such custody as the Corporation may direct. Parish books and documents.

(2) Any ratepayer of the said parish shall at all times have the same right of inspection and of making extracts from the books minutes deeds papers or writings referred to in this section which he would have had if this Act had not been passed.

**55.**—(1) The accounts of the Huncoat Council shall be made up to the appointed day and shall be audited by the district auditor in like manner and subject to the like incidents and consequences as if this Act had not been passed. Audit of accounts of parish council.

(2) Any sum certified by the district auditor to be due from any person at the audit of the accounts to which this section applies shall be paid to the treasurer and shall if necessary be a matter for adjustment under section 62 of the Act of 1888.

(3) This section shall apply to the accounts of any committee or officer of the said council as it applies to the accounts of that council.

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56. Subject to the provisions of this Part of this  
Act—

Existing  
officers of  
district and  
parish coun-  
cils &c.

- (1) All or any of the persons who at the commencement of this Part of this Act are officers of the Huncoat Council or officers employed whole time by the county council or the rural council exclusively in the added area may if the Corporation think fit be transferred to and become officers of the Corporation :
- (2) Every officer so transferred shall hold his office by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing analogous duties to those which he was required to perform immediately before the appointed day shall receive not less salary or remuneration and be entitled to not less pension (if any) than the salary remuneration or pension to which he would have been entitled if this Act had not been passed :
- (3) Every officer so transferred who on the appointed day holds a post duly designated as established for the purpose of the Local Government and other Officers' Superannuation Act 1922 shall be deemed to have been transferred to a designated post in the service of the Corporation within the meaning of that Act and the provisions of that Act shall apply as if he had been transferred to the service of the Corporation with the consent of the council in whose service he was prior to the appointed day :
- (4) The Corporation may distribute the business to be performed by the transferred officers in such manner as the Corporation may think proper and every officer shall perform such duties in relation to that business as may be directed by the Corporation and the Corporation may abolish the office of any officer :
- (5) If at any time within five years after the appointed day any transferred officer is required by the Corporation to perform duties which are not analogous to or which are an

unreasonable addition to those which he was required to perform immediately before the appointed day the officer may relinquish his office.

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**57.**—(1) Every officer in office at the passing of this Act who by virtue of this Part of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of fees salary or emoluments (and for whose compensation no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

Compensation to existing officers.

(2) Any transferred officer who relinquishes his office in pursuance of the last preceding section of this Act or any officer whose services are dispensed with or whose salary is reduced within five years from the appointed day because his services are not required or his duties are diminished in consequence of this Part of this Act and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Part of this Act.

**58.**—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Part of this Act regard shall be had to the conditions and circumstances mentioned in subsection (1) of section 120 (Compensation to existing officers) of the Act of 1888 and the compensation shall not exceed the limit therein mentioned.

Determination of compensation.

(2) Any compensation payable under this Part of this Act to any officer shall be paid out of the general rate fund and general rate and the provisions of section 120 of the Act of 1888 shall apply subject to the following and any necessary modifications:—

(a) Any reference in that section to the county council shall be construed as a reference to the Corporation;

(b) References in that section to “the passing of this Act” shall be construed as references to the date on which the abolition or relinquishment of office or determination of appointment takes effect or the direct pecuniary loss commences as the case may be;

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—

(c) The expression in subsection (1) of that section “ the Acts and rules relating to Her Majesty’s Civil Service ” shall mean the Acts and rules relating to Her Majesty’s Civil Service which were in operation at the date of the passing of the Act of 1888;

(d) The references in subsections (4) and (6) of that section to the Treasury shall be deemed to be references to the Minister;

(e) The words “ any local authority as defined by “ the Local Government and other Officers’ “ Superannuation Act 1922 ” shall be substituted for the words “ the same or any other county council ” in subsection (7) of that section.

(3) The compensation payable under this Part of this Act to an officer who immediately before the appointed day held two or more offices under any local authority or local authorities and who devoted the whole of his time to the duties of such offices shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

(4) In computing the time of service in any capacity of any officer for the purpose of determining the compensation to which he is entitled under this Act the Corporation shall take into account all the service of any such officer (after he has attained the age of eighteen years) in any capacity under any local authority whether such officer has been appointed annually or otherwise.

(5) All fees or remuneration received by an officer in connection with the preparation of the jurors’ book or the register of electors shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purpose of compensation.

(6) If any officer was temporarily absent from his employment during the war whilst serving in His Majesty’s forces or the forces of the allied or associated powers either compulsorily or with the sanction or permission of the local authority such period of temporary absence shall be reckoned as service under the local authority in whose employment he was immediately



before and after such temporary absence Provided that A.D. 1928.  
in the case of an officer who after the armistice voluntarily extended his term of service in the forces no period of absence during such extension shall be so reckoned.

(7) The Corporation may in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person or of the fact that he had prior to his appointment served as a deputy assistant or clerk to any officer not holding a temporary appointment add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Act.

(8) For the purposes of this section and the immediately preceding section of this Act the following offices shall be deemed to be offices under a local authority namely clerk to an assessment committee constituted under the Act of 1925 superintendent registrar registrar of births and deaths and registrar of marriages.

(9) The provisions of the immediately preceding section of this Act and the provisions of this section shall apply to a teacher employed in a public elementary school maintained by the local education authority at the passing of this Act as if he were an officer employed by the authority:

Provided that—

- (a) In the case of a teacher employed in a public elementary school maintained but not provided by the authority the provisions with respect to an officer whose services are dispensed with shall only apply if such teacher be discharged by the authority or by the direction or with the consent of the authority (otherwise than for misconduct) within five years after the appointed day;
- (b) In the application of subsection (7) of section 120 of the Act of 1888 in the case of a teacher to whom a compensation allowance has been granted in pursuance of this section

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service in a public elementary school maintained but not provided by a local authority shall be deemed to be service in an office under that authority.

Compensation and superannuation.

**59.** No officer shall be entitled to receive compensation under this Part of this Act for any direct pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

Arrears of rates made by rating authorities.

**60.** Subject to any adjustment under section 62 of the Act of 1888 all rates not collected at the appointed day and levied by any rating authority upon any hereditament situate in the added area shall be collected and recovered by the Corporation.

Savings for actions contracts &c.

**61.** No alteration effected by this Part of this Act shall cause to abate prejudicially affect or prevent any action cause of action or proceeding which at the appointed day is pending or existing by or against the county council the rural council the Huncoat Council or either of the boards of guardians affected by this Part of this Act or any contract deed bond agreement or other instrument (subsisting at the appointed day) entered into or made by any such council or board or their predecessors :

Provided that—

- (i) Any action cause of action or proceeding which at the appointed day is pending or existing by or against any such council or board in relation exclusively to any part of the added area may be continued prosecuted and enforced by or against the Corporation or the Haslingden Guardians (as the case may be); and
- (ii) All contracts deeds bonds agreements and other instruments (subsisting at the appointed day) entered into or made by any such council or board or their predecessors in relation exclusively to any part of the added area may be continued and enforced as fully and effectually as if instead of such council or board (or their predecessors) the Corporation or the Haslingden Guardians (as the case may be) had been a party thereto.

**62.** The Corporation shall be the burial board for the borough and shall have within the borough to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906 :

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—  
Burial Acts  
in borough.

Provided that no approval sanction or authorisation of the vestry of the parish of Accrington shall be required in respect of any act of the Corporation as the burial board :

Provided also that nothing in this Act shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired and is existing immediately prior to the appointed day or prejudicially affect any right privilege or authority which immediately prior thereto is exercise-able by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906.

**63.**—(1) The parish of Huncoat shall cease to form part of the district of the Burnley Joint Hospital Board and the representation of the rural council on that board may be altered in such manner if any as the Minister may by order determine which order he is hereby empowered to make.

Burnley  
Joint Hos-  
pital Board.

(2) The said board shall be deemed to be an authority affected by this Part of this Act within the meaning of section 62 of the Act of 1888 and of the section of this Act of which the marginal note is "Adaptation of provisions as to adjustment."

**64.** An alderman councillor or guardian who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification by reason of the alterations of area made by this Part of this Act.

Saving for  
qualifica-  
tion of  
aldermen  
councillors  
&c.

**65.** Notwithstanding the alterations in the areas of parishes or districts affected by this Part of this Act all contribution orders issued and precepts made before the appointed day shall be as valid in law as if this Act had not been passed.

Saving for  
contribution  
orders and  
precepts.

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—  
Saving pro-  
visions.

66. Nothing contained in this Part of this Act shall—

- (a) be construed as restricting the powers of the Minister under the Acts relating to the relief of the poor or the powers of the Secretary of State the Minister the county council or the Corporation under the Act of 1888 or the Act of 1894;
- (b) affect the limits of the parliamentary borough of Accrington or of the parliamentary county of Lancaster or of any division thereof or the powers of the county council under section 31 (Division of constituency into polling districts and appointment of polling places) of the Act of 1918 or any order or scheme made by the county council for the division of the parliamentary county of Lancaster into polling districts and the appointment of polling places for parliamentary elections;
- (c) affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment;
- (d) affect the provisions of the Act of 1925 save as in this Part of this Act expressly provided;
- (e) affect land tax and for the purposes of Imperial taxes or duties other than land tax the provisions of the section in this Part of this Act whereof the marginal note is "Alteration of parishes and unions" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year.

References  
to Educa-  
tion Act  
1921.

67. Any reference in this Act to the provisions of the Education Act 1921 shall as respects any provision of that Act which may not be in operation at the appointed day be construed as a reference to the corresponding provision of the Education Acts 1870 to 1919 until such corresponding provision is repealed by the Education Act 1921.

## PART III.

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## TRAMWAYS TROLLEY VEHICLES AND OMNIBUSES.

**68.**—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same along any street or road in or beyond the borough in which they are at the date of the passing of this Act authorised to work tramways. Power to use trolley vehicles.

(2) Provided that—

(a) Before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval and to the road authority who may make representations in regard thereto to the said Minister;

(b) No turning point shall be fixed upon any road or street belonging to or maintained by a railway company without the consent in writing of such company which consent shall not be unreasonably withheld.

(3) As from the date upon which and so long as a service of trolley vehicles is provided by the Corporation in lieu of a tramway service upon the route of any of the Corporation tramways the revenue of the tramway undertaking shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged with any expenses incurred by the Corporation upon or in connection with the maintenance and repair of roads along the route or routes upon which such service of trolley vehicles is provided under any statutory enactment relating to that undertaking but nothing in this subsection shall relieve the Corporation of any liability attaching to them in respect of such maintenance and repair.

**69.**—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are authorised to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such As to electrical works.

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vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II of the Tramways Act 1870 and in this Part of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working the trolley vehicles:

Provided that all posts and other apparatus erected by the Corporation under this section shall be placed in such position as the road authority may approve but no post or other apparatus shall be erected on the carriage-way except with the consent of the Minister of Transport.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(3) The Corporation may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided by them for working tramways in streets or roads along which they are or may be authorised to run trolley vehicles.

(4) In this section the expression "generating station" has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

(5) (a) All posts or standards rosettes or wall plates which are required for the purpose of carrying the overhead wires in connection with trolley vehicles within the urban district of Oswaldtwistle shall be erected in such positions and of such heights and of such design as shall be reasonably approved by the surveyor for the time being to the council of that district and if in any case the said surveyor considers that for the convenience or safety of the public or of the frontagers that any road rosettes or wall plates should be fixed in lieu of posts

and standards the Corporation shall use their best endeavours to obtain the requisite permission to affix such rosettes or wall plates instead of erecting posts and standards and a reasonable proportion of such posts shall be suitable for carrying electric or gas lamps for the proper lighting of the roads. The Corporation shall at all times allow the said council to use the said standards and posts for the electric or gas lighting of the roads free of charge provided that such user by the said council shall not in any way hinder the efficient working of the said trolley vehicles by electric traction. The Corporation shall deliver to the said council a plan showing the position in which it is proposed to lay any underground cableways or cables and no works shall be commenced in connection with the laying of any such cableways or cables until such plan has been approved by the said surveyor in writing under his hand which approval shall not be unreasonably withheld and notice of his approval or disapproval shall be given within twenty-one days from the delivery of the plan and if not so given he shall be deemed to have approved the same. A.D. 1928.

(b) The provisions of this subsection shall apply *mutatis mutandis* to the urban districts respectively of Church and Clayton-le-Moors and the councils of those districts respectively.

(c) Any difference between the Postmaster-General and any of the said councils in relation to the use of the said standards and posts by the Postmaster-General and the said councils respectively shall be determined as provided by subsection (3) of the section of this Act the marginal note of which is "Use of posts by Postmaster-General."

70.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected or used in any such street or public road by the Corporation in connection with the trolley vehicles and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any

Use of posts  
by Post-  
master-  
General.

A.D. 1928. telegraph so supported subject to the following conditions:—

- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the trolley vehicle routes;
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided;
- (c) Unless otherwise agreed upon between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Minister of Transport arising through the exercise by the Postmaster-General of the powers conferred by this section;
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any



- difference as to the conditions of attachment shall be determined as hereinafter provided; A.D. 1928.
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road;
  - (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair;
  - (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants;
  - (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided;
  - (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicle routes or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants;

A.D. 1928.

(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their trolley vehicles or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

the expression "the Corporation" includes their lessees;

the expression "telegraph" has the same meaning as in the Telegraph Act 1869;

other expressions have the same meaning as in the Telegraph Act 1878.

Corporation  
to have  
exclusive  
right of

71. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for

the purpose of working the trolley vehicles and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds :

A.D. 1928.

—  
using ap-  
paratus for  
working  
trolley  
vehicles.

Provided that nothing in this section contained shall in any way affect the rights powers and privileges of the urban district councils of Oswaldtwistle and Church respectively as contained in and provided for by sections 50 and 51 of the Act of 1905 and subsection (6) of the said section 50 shall be deemed to be incorporated with and re-enacted in this Act and shall apply to apparatus used for the purpose of working trolley vehicles in the same manner and to the same extent as such subsection applies to all apparatus erected and maintained by the Corporation in connection with the tramway undertaking Provided also that the Corporation shall not use or cause or allow to be used for advertising purposes any of the said apparatus situate in either of the said urban districts or in the urban district of Clayton-le-Moors without the consent of the council of the said district first had and obtained which consent shall not be unreasonably withheld and if any question shall arise as to whether the same is so withheld the matter shall be referred to the Minister of Transport for his final determination.

**72.—(1)** The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licensing and licences of drivers) and subject to that exception neither the Motor Car Acts 1896 and 1903 nor any by-laws or regulations made thereunder nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

Vehicles  
not to be  
deemed  
light loco-  
motives or  
motor cars.

**(2)** The trolley vehicles authorised by this Act shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889; .

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Licence  
duties on  
trolley  
vehicles.Approval of  
vehicles by  
Minister of  
Transport.

**73.** Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles authorised by this Act as hackney carriages.

**74.**—(1) The trolley vehicles and the electrical equipment thereof used under the authority of this Act shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport.

(2) Before applying to the Minister of Transport for his approval of the weight of any trolley vehicle to be used upon any road which crosses a bridge belonging to and repairable by a railway company the Corporation shall give to such railway company notice of the weight of the trolley vehicles proposed to be used by them and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight. Provided that notice of such objections shall be forwarded by such railway company to the Corporation at the same time as the same are submitted to the Minister of Transport.

Inspection  
by Minister  
of Trans-  
port.

**75.** No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by an officer appointed by the Minister of Transport.

Application  
of certain  
provisions of  
Tramways  
Act 1870 to  
trolley  
vehicles.

**76.**—(1) The following provisions of the Tramways Act 1870 (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 shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways:—

Part II (relating to the construction of tramways) except sections 25 28 and 29;

- Section 41 (Tramways to be removed in certain cases); A.D. 1928.
- Section 46 (Byelaws by local authority Promoters may make certain regulations);
- Section 47 (Penalties may be imposed in byelaws);
- Section 48 (Power to local authority to license drivers conductors &c.);
- Section 49 (Penalty for obstruction of promoters in laying out tramway);
- Section 51 (Penalty on passengers practising frauds on the promoters);
- Section 53 (Penalty for bringing dangerous goods on the tramway);
- Section 55 (Promoters or lessees to be responsible for all damages);
- Section 56 (Recovery of tolls penalties &c.);
- Section 57 (Right of user only);
- Section 60 (Reserving powers of street authorities to widen &c. roads); and
- Section 61 (Power for local or police authorities to regulate traffic in roads).

(2) Nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept.

77.—(1) Subject to the provisions of this Act the following provisions of the Tramways Act of 1882 and the Act of 1905 (as amended by this Act) shall extend and apply to the trolley vehicles authorised by this Act as if those provisions were with all necessary modifications re-enacted in this Act (that is to say):—

Application of certain tramway provisions to trolley vehicles.

The Tramways Act of 1882—

- Section 10 (Byelaws);
- Section 13 (Orders and byelaws);
- Section 19 (Sewer authorities to have access to sewers);
- Section 21 (Substituted tramways may be made where necessary);
- Section 22 (Application of road materials excavated in the borough);

- A.D. 1928.
- Section 23 (Application of road materials excavated elsewhere);  
 Section 24 (Traffic upon tramways);  
 Section 25 (Corporation may use tramways for sanitary purposes);  
 Section 32 (Passengers' luggage);  
 Section 38 (Provision as to carriage of goods &c.); and  
 Section 60 (Agreements between Corporation and road authorities &c.).

## The Act of 1905—

- Section 14 (Power to make additional cross-overs and to double tramway lines);  
 Section 15 (Corporation may reduce footpath for constructing tramways);  
 Section 16 (Shelters or waiting rooms);  
 Section 17 (Stopping of roads during execution of works);  
 Section 19 (Power to lay and maintain pipes and make openings in streets);  
 Section 20 (Power to place posts wires &c.);  
 Section 21 (Attachment of brackets to buildings);  
 Section 22 (Apparatus used for mechanical power to be deemed part of tramways);  
 Section 23 (Power to acquire patent rights);  
 Section 24 (Junctions with tramways which can be worked in connection with Corporation tramways);  
 Section 25 (As to removal of snow &c.);  
 Section 26 (Provisions as to motive power);  
 Section 27 (Special provisions as to use of electrical power);  
 Section 28 (Alteration of telegraph lines of Postmaster-General);  
 Section 29 (For protection of Post Office telegraph lines);  
 Section 38 (Carriage of goods);  
 Section 39 (Rates for animals goods &c.);  
 Section 40 (Rates for small parcels and single articles of great weight);

- Section 41 (Regulations as to rates on tramways); A.D. 1928.
- Section 42 (Regulations by Corporation);
- Section 43 (Byelaws by local authority);
- Section 44 (Penalty for malicious damage);
- Section 45 (Agreements for working running powers &c.); and
- Section 54 (For protection of Lancashire and Yorkshire Railway Company).

(2) Provided that in the application of the provisions referred to in subsection (1) of this section the same shall be read and have effect as if the working equipment for trolley vehicles were tramways within the meaning of the said provisions and as if trolley vehicles were carriages used on the tramways of the Corporation and as if the trolley vehicle undertaking authorised by this Act formed part of the tramway undertaking authorised by the local Acts :

Provided also that the exercise of the powers of the said section 19 of the Act of 1905 shall so far as regards the breaking up of any road street footpath bridge or public place be subject to the reasonable consent of the road authority thereof :

Provided further (i) that the expression "the Company" in section 54 of the Act of 1905 shall mean the London Midland and Scottish Railway Company and (ii) that the Corporation shall not carry any goods exceeding one hundred and twelve pounds in weight.

**78.** Subsection (4) of section 29 (For protection of Post Office telegraph lines) of the Act of 1905 shall be read and have effect as if the words "generated or used by or supplied to" were inserted in that subsection in substitution for the words "generated by."

Amendment  
of section 29  
(4) of Act of  
1905.

**79.**—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road (whether within the borough or within a distance of five miles measured in a direct line from the town hall Accrington) as defined by the Tramways Act 1870 (other than the streets and roads along and upon which they are by this Act authorised to use trolley vehicles) they may make application to the Minister of Transport and the Minister of Transport is hereby

Minister of  
Transport  
may autho-  
rise new  
routes.

A.D. 1928. — empowered to make a Provisional Order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and containing such incidental provisions as the said Minister may deem expedient and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act.

(2) No such application shall be entertained by the Minister of Transport unless the Corporation shall—

- (a) have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the borough;
- (b) have also published such notice once in the months of October or November in the London Gazette;
- (c) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Minister of Transport any objections to the grant of such application.

(3) The Minister of Transport may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Minister of Transport shall consider any such application and may if he think fit direct an inquiry to be held in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Minister of Transport expedient that the application be granted



A.D. 1928.  
—

he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(8) The making of a Provisional Order under this section shall be *primâ facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(9) Any expenses incurred by the Minister of Transport in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Minister of Transport in connection with any inquiry under this section shall be paid by the Corporation.

(10) The Corporation shall at all times after the opening of a trolley vehicle route in the respective areas of the Oswaldtwistle Church and Clayton-le-Moors Urban District Councils or any portion thereof for public traffic provide and maintain such service of cars thereon as may be reasonably required in the public interest. Any question which may arise as to the service of cars shall be settled and determined by the Minister of Transport or any person authorised by him.

80.—(1) At any time after the passing of this Act the Minister of Transport may by order authorise or require the Corporation to abandon or discontinue temporarily or permanently any of the Corporation

As to abandonment of tramways.

A.D. 1928.

tramways along the route of which the Corporation have provided and equipped or are about to provide and equip trolley vehicles or have provided omnibuses under the provisions of this Act or any Provisional Order made thereunder.

(2) Before making any order under the provisions of this section the Minister of Transport may hold such inquiry as he may consider desirable.

(3) Any order made under the provisions of this section may as from such date as may be specified therein provide for the cesser of all or any of the powers liabilities duties or obligations conferred or imposed upon the Corporation by any Act or Order relating to any tramway to be abandoned or discontinued in pursuance of such order.

(4) Upon the making of any such order permanently to abandon or discontinue any such tramway the provisions of section 41 of the Tramways Act 1870 shall apply as if the Minister of Transport had granted a certificate that an order had been made under the said section in relation to such tramway.

(5) Nothing in this section shall limit the operation of the section of this Act of which the marginal note is "Adaptation of roads."

Tramway  
regulations  
to apply to  
trolley  
vehicles.

**81.** All subsisting regulations and byelaws relating to the tramways made in pursuance of the Tramways Act 1870 or of any other statutory enactment so far as the same are applicable shall with the necessary modifications apply to the trolley vehicles provided by the Corporation in pursuance of this Act.

For protec-  
tion of  
county  
council.

**82.** The following provisions for the protection of the county council shall notwithstanding anything in this Act and unless otherwise agreed in writing apply and have effect with respect to the provision and use by the Corporation of trolley vehicles on any main road maintained by or at the expense of the county council (that is to say) :—

(1) If the Corporation in the execution under this Part of this Act of any works in or affecting any main road shall cause any damage injury or disturbance to such main road and shall fail properly to make good all such damage injury

or disturbance then it shall be lawful for the county council after reasonable notice to the Corporation of the alleged failure and of the works which they propose to execute to do all works necessary for making good all damage injury or disturbance and the Corporation shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence :

A.D. 1928.

- (2) If it becomes necessary that the working of the trolley vehicles over any county or main road bridge be wholly or in part stopped or delayed for the purpose of any repairs to or alteration of such bridge and if the county council give the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage or delay the working of the trolley vehicles shall be stopped or delayed as reasonably required by such notice but no such working shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and in such case the county council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid :
- (3) The Corporation shall not without the consent in writing of the county council (which consent shall not be unreasonably withheld) place or erect or attach any post or other support for any wire or any feeder box on or to the structure of any bridge as aforesaid and any such post support or box which shall with such consent have been so placed erected or attached shall be temporarily removed at any time when required by the county council in connection with the maintenance reconstruction or alteration of any such bridge :
- (4) If any difference arises under this section between the Corporation and the county council the same shall be settled by an engineer to be

A.D. 1928.  
—

appointed at the request of either party by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Power to  
provide and  
run omni-  
buses.

**83.**—(1) Subject to the provisions of this Act the Corporation may in addition to and without prejudice to the exercise of their powers under section 34 (Omnibuses in connection with tramways) of the Act of 1905 provide and maintain (but shall not manufacture) and may run omnibuses within the borough and with the consent of the Minister of Transport and of the local authority of the district along that part of the Blackburn Whalley and Clitheroe Road extending from the village of Whalley to the centre of the borough of Clitheroe and along any other route without the borough but within five miles measured in a direct line from the town hall Accrington. Provided that the consent of a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

(2) In the case of any application under the provisions of this section for the consent of the Minister of Transport the Corporation shall give notice in writing of their proposals to the road authority (where they are not also the local authority) and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister of Transport shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto and if any objection shall be made by any such person or the consent of the local authority is withheld the Minister of Transport may direct an inquiry to be held.

(3) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment, running, equipment, maintenance and repair of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

A.D. 1928.

(5) The provisions of sections 51 (Penalty on passengers practising frauds on the promoters) and 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Corporation as if they were carriages used on tramways.

**84.**—(1) (a) Before the Corporation commence to run trolley vehicles or omnibuses over any road or part of a road it shall be determined by agreement between the Corporation and the road authority (where they are not the Corporation) or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of a trolley vehicle or an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money (if any) per mile of road so to be adapted altered or reconstructed or what sum of money (if any) in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

Adaptation  
of roads.

(b) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (a) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether or not they intend to run trolley vehicles or omnibuses over the road or part of a road or bridge in question.

(c) If the Corporation give notice in writing to the road authority that they intend to run trolley vehicles or omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (a) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration

A.D. 1928.

or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(d) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from the date on which the Corporation shall commence to run trolley vehicles or omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

(e) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (c) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed or of any such bridge so strengthened.

(f) For the purposes of this subsection the expression "county bridge" shall include every bridge maintainable by a county council and in respect of such bridge the county council shall be deemed to be the road authority and the expression "district bridge" shall include every bridge maintainable by a district council and in respect of such bridge the district council shall be deemed to be the road authority.

(2) Any payment made to a road authority under this section in respect of any main road retained by them under subsection (2) of section 11 of the Local Government Act 1888 or maintained by them under subsection (4) of that section shall be credited to the county council in ascertaining the amount payable by them under either of the said subsections of the Act of 1888.

(3) If any such adaptation alteration reconstruction or strengthening as aforesaid shall involve an alteration of any telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act. A.D. 1928;

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any highway by the trolley vehicles or omnibuses of the Corporation.

(5) An agreement under this section with respect to any main road maintained by a local authority at the expense of any county council shall not be made except with the concurrence of that county council.

(6) For the purposes of this section the expression "road authority" shall not include a railway company.

**85.**—(1) The powers of running omnibuses under the provisions of this Act on any road or part of a road outside the borough may at the expiration of ten years from the date on which such running commences and at the expiration of any subsequent period of ten years be determined by the Minister of Transport on the application of the local authority of the district in which such road or part of a road is situate upon such terms as the said Minister may determine. As to cesser of powers.

(2) Before issuing an order to determine the said powers the Minister of Transport shall hold a local inquiry at which opportunity shall be afforded to any person interested to object to the continuance or cesser of such powers.

**86.** If the Corporation do not within three years from the giving of the consent of the Minister of Transport to the running by the Corporation of omnibuses on any route without the borough provide a service of omnibuses on such route or having provided shall discontinue any such service the Minister of Transport may on the application of any local authority within whose Provision in event of certain powers not being exercised within prescribed period.

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district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the Minister of Transport may by such order prescribe the powers of the Corporation under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Corporation under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease :

Provided that this section shall not apply or have effect in the event of the failure of the Corporation to provide a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Corporation.

As to rail-  
way and  
canal  
bridges &c.

87. Nothing in this Act shall impose any obligation upon or enlarge any obligation of any railway or canal company to strengthen adapt alter or reconstruct any bridge or road maintainable by them respectively.

Working  
and other  
agreements.

88.—(1) The Corporation and any local authority empowered to run omnibuses in any borough or urban or rural district adjacent to the borough or adjacent to any borough or urban or rural district in which any route over which the Corporation are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts under which such omnibus services are authorised.

(2) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the borough or on any route over which the Corporation are for the time being empowered to run omnibuses.



(3) The Corporation and any such local authority company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say) :—

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- (a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services :
- (b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants :
- (c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties :
- (d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service lands depôts buildings sheds or property beyond the borough otherwise than with the consent of the local authority of the district within which such omnibus service lands depôts buildings sheds or property are situate Provided that on complaint being made to the Minister of Transport that such consent is unreasonably withheld the Minister may if he thinks fit by order dispense with such consent.

89. The Corporation may on any of their omnibus routes erect and maintain shelters or waiting-rooms for the accommodation of passengers and may with the consent of the local authority and road authority (where other than the Corporation) use for that purpose portions of the public streets or roads.

Shelters and  
waiting-  
rooms.

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—  
Cloak-rooms  
&c.

**90.**—(1) The Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles and other vehicles at any depôt or building used by them in connection with the tramway undertaking and at any suitable places on their tramway trolley vehicle and omnibus routes and the Corporation may make charges for the use of such cloak-rooms and sheds and for the deposit of articles and things and bicycles and other vehicles therein.

(2) The Corporation may use for the purposes of this section portions of the public streets or roads but only with the consent of the road authority and of the local authority of the district.

Power to  
reserve  
tramcars  
trolley  
vehicles or  
omnibuses  
for special  
purposes.

**91.**—(1) Notwithstanding anything contained in this or any other Act to the contrary the Corporation may on any occasion run and reserve tramcars on any of the Corporation tramways and trolley vehicles or omnibuses on any route on which the Corporation are for the time being authorised to run trolley vehicles or omnibuses for any special purpose which the Corporation may consider necessary or desirable. Provided that such special tramcars trolley vehicles and omnibuses shall be distinguished from other tramcars trolley vehicles and omnibuses in such manner as the Corporation may direct and that during the running of such special tramcars trolley vehicles or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of tramcars trolley vehicles or omnibuses as the case may be.

(2) The Corporation may make byelaws and regulations for prohibiting the use of any such tramcars trolley vehicles or omnibuses by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this or any other Act of the Corporation as to fares or charges for passengers shall not extend to any tramcars trolley vehicles or omnibuses run for such special services as aforesaid and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

Through  
tramcars  
trolley  
vehicles and  
omnibuses.

**92.** The Corporation may run through tramcars along any of the routes of the Corporation tramways or any specified portion thereof or through trolley vehicles or omnibuses along any route on which the Corporation

are for the time being authorised to run trolley vehicles or omnibuses and such tramcars trolley vehicles and omnibuses shall be distinguished from other tramcars trolley vehicles and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such tramcars trolley vehicles and omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such tramcars trolley vehicles and omnibuses Provided that during the running of such through tramcars trolley vehicles and omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of tramcars trolley vehicles or omnibuses as the case may be.

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**93.** The Corporation may appoint the stations and places from which cars on their tramways and their trolley vehicles and their omnibuses shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time during which such tramcars trolley vehicles and omnibuses shall be allowed to remain at any such place but any such appointment and fixing of time shall (as respects any station or place outside the borough) be subject to the consent of the local authority of the district within which that station or place is appointed which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport.

Corporation  
may appoint  
stopping  
and starting  
places.

**94.**---(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any of the Corporation tramways or any of their trolley vehicle and omnibus routes signs or directions indicating the position of stopping places for tramcars trolley vehicles and omnibuses Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for

Attachment  
of signs  
indicating  
stopping  
places to  
lamp-posts  
&c.

A.D. 1928. damage occasioned to any person or property by or by reason of such attachment.

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

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing or belonging to any local or road authority (including a parish council) except with the consent of the authority in writing.

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to a railway company without the consent of such company in writing.

For protec-  
tion of  
rural coun-  
cil.

95. Notwithstanding anything in the Act of 1905 or in this Act contained the powers of section 16 (Shelters or waiting-rooms) of the Act of 1905 and the sections of this Act of which the marginal notes are "Shelters and waiting-rooms" "Cloak-rooms &c." "Corporation may appoint stopping and starting places" and "Attachment of signs indicating stopping places to lamp-posts &c." shall not be exercised in the rural district except with the consent of the rural council which consent shall not be unreasonably withheld.

Lost pro-  
perty.

96. Any property found in any tramcar trolley vehicle or omnibus of the Corporation or in any shelter or waiting-room in connection with the tramway undertaking or the trolley vehicles and omnibuses of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking.

Penalty for  
malicious  
damage.

97. If any person wilfully and unlawfully does or causes to be done with respect to any omnibus of the Corporation anything which is calculated to obstruct or

interfere with the working thereof or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and shall be liable to a penalty not exceeding twenty pounds.

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98. The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Corporation or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the working of any tramcars trolley vehicles and omnibuses for the time being belonging to or worked by the Corporation shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damage in respect thereof.

Power to  
Corporation  
to suspend  
running of  
cars &c.

99. If any obstruction to the traffic on any of the Corporation tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fail to do so the Corporation may so remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and may recover the reasonable cost of so doing from the owner of the vehicle.

Removal of  
obstruc-  
tions.

100.—(1) Where the Corporation consider that any tree hedge or shrub overhangs any street outside the borough so as to be likely to obstruct or interfere with the passage of their tramcars trolley vehicles or omnibuses or to obstruct the view of drivers of such vehicles the Corporation may require the authority by whom powers may be exercised under section 23 of the Public Health Act 1925 to exercise those powers in respect of the trees hedges or shrubs to which the requisition refers.

Trees over-  
hanging  
highways on  
tramways  
trolley  
vehicle and  
omnibus  
routes.

A.D. 1928.

(2) If the said authority have not adopted the said section and refuse or neglect to do so or having adopted the said section or being a county council refuse or neglect to exercise those powers in accordance with the said requisition the Corporation may apply to the Minister for and the Minister may make an order conferring on the Corporation all or any of the powers of a local authority under the said section in respect of the streets in which the said trees hedges or shrubs are situated.

(3) On the making of such order any authority having powers under section 23 of the Public Health Act 1925 shall during the continuance of the order cease to exercise such powers in respect of the said street or streets to the extent to which they have been conferred on the Corporation.

As to repeal  
of section 18  
of Act of  
1905.

**101.** As and from the day on which as the result of the passing by the Corporation of the prescribed resolution under the Public Health Act 1925 section 23 of that Act shall have come into operation in relation to the borough section 18 (Corporation may lop trees overhanging public highway) of the Act of 1905 shall be repealed.

Fares for  
passengers  
on tram-  
ways trolley  
vehicles and  
omnibuses.

**102.—**(1) From and after the passing of this Act the Corporation may demand and take for every passenger travelling upon the Corporation tramways or any part or parts thereof and upon their trolley vehicles and omnibuses including every expense incidental to such conveyance a fare not exceeding three half pence per mile and in computing the said fare the fraction of a mile shall be deemed to be a mile :

Provided that the Corporation may appoint stages upon the Corporation tramways and trolley vehicle routes each of not less than half a mile in length and may demand and take from every passenger travelling upon the Corporation tramways and trolley vehicles including every expense incidental to the conveyance of such passenger any fare not exceeding three half pence for any two consecutive stages or portion of that distance travelled and for this purpose the fraction of a stage shall be deemed a stage.

(2) Section 35 (Passengers' fares) of the Act of 1905 is hereby repealed. A.D. 1928.

**103.** Section 36 (Cheap fares for labouring classes) of the Act of 1905 is hereby repealed and from and after the passing of this Act every artisan mechanic or daily labourer travelling on the Corporation tramways trolley vehicles or omnibuses for the purpose of going to his work before 8 a.m. on any day of the week except Sunday Christmas Day and Good Friday and returning therefrom not earlier than 12 noon on the same day shall for each such double journey be charged a fare not exceeding the fare which the Corporation for the time being charge for each such single journey. Reduced fares for labouring classes.

**104.—**(1) Every passenger travelling in or upon the omnibuses of the Corporation may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat required for a passenger nor be of a form or description to annoy or inconvenience other passengers. Passengers' luggage and small parcels on omnibuses.

(2) The Corporation may if they think fit convey in or upon the omnibuses small parcels not exceeding fifty-six pounds in weight and may charge therefor rates and charges not exceeding the rates and charges which they are authorised to take for the conveyance of small packages on the Corporation tramways.

**105.—**(1) If at any time after three years from the passing of this Act or after three years from the date of any order made in pursuance of this section in respect of the tramways trolley vehicles and omnibuses of the Corporation it is represented in writing to the Minister of Transport by the local authority of any district in which any tramways trolley vehicles or omnibuses of the Corporation are worked or run or by twenty inhabitant ratepayers of that district or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken on such tramways trolley vehicles or omnibuses should be revised the Minister of Transport may (if he think fit) direct an inquiry and if the person holding the inquiry reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Periodical revision of fares and charges.

A.D. 1928; — Minister may (subject to the maximum fares and charges which the Corporation are authorised to demand and take) by order in writing alter modify reduce or increase all or any of the fares or charges to be taken on the said tramways trolley vehicles and omnibuses and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Transport made in pursuance of this section.

(2) Section 29 (Periodical revision of tolls) of the Tramways Act of 1882 is hereby repealed.

Payment of  
fares rates  
and charges.

**106.** The fares rates and charges authorised by this Act or by the provisions incorporated therewith shall be paid to such persons and at such places upon or near to the tramcars trolley vehicles or omnibuses and in such manner and under such regulations as the Corporation may by notice to be annexed to the lists of fares rates and charges appoint.

As to  
charges for  
dogs on  
tramcars  
&c.

**107.** The Corporation may if they think fit convey on their tramcars trolley vehicles and omnibuses dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger.

Byelaws as  
to omni-  
buses.

**108.**—(1) The Corporation may make byelaws for regulating the travelling in or upon their omnibuses and for the prevention of nuisances in or upon the same or in or against any premises held by the Corporation in connection therewith.

(2) The Corporation may by resolution declare that any byelaws for the time being in force on the Corporation tramways shall with such modifications as they may deem necessary apply to and be enforceable with respect to their omnibuses and the premises held in connection therewith and the persons travelling in or upon the same Provided that any modifications as aforesaid shall be subject to the approval of the Minister of Transport.

Byelaws to  
be subject to  
Tramways  
Act 1870.

**109.** Any byelaws made by the Corporation under the provisions of this Part of this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

Conveyance  
of mails.

**110.** The Corporation shall perform in respect of trolley vehicles and omnibuses such services in regard to



the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

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**111.** Subject to the provisions of this Act the trolley vehicle and omnibus undertakings authorised by this Act shall form part of the tramway undertaking.

Trolley vehicles and omnibuses to form part of tramway undertaking.

**112.** The Corporation shall keep the accounts in respect of the tramway undertaking so as to show separately (so far as may be reasonably practicable) the receipts and expenditure in regard to (a) the tramways (b) the trolley vehicles and (c) the omnibuses which the Corporation are empowered to provide and run under this Act and in such accounts capital shall be distinguished from revenue.

Accounts of tramway undertaking.

**113.** The Corporation shall every year within three months after the closing of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of the tramway undertaking.

Accounts to be furnished to Minister of Transport.

**114.** The Corporation shall not under the powers of the sections of this Act of which the marginal notes are "As to electrical works" "Shelters and waiting-rooms" "Cloak-rooms &c." and "Corporation may appoint stopping and starting places" break up any street or road belonging to or maintainable by or at the expense of any railway company or erect any standards brackets posts poles or other apparatus or any shelter or waiting-room or cloak-room upon any such street or road so as to render less convenient the access to or exit from any railway station depôt or other property of any railway company without the consent of such company.

For protection of railway companies.

#### PART IV.

#### STREET WORKS.

**115.** Subject to the provisions of this Act the Corporation may execute and construct in the lines and according to the levels shown on the deposited plans and sections the street works in the borough hereinafter described (that is to say):—

Power to execute street works.

Work No. 1 A widening of Blackburn Road on the southern side thereof commencing at a point 17

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yards or thereabouts west of Eagle Street and terminating at the east side of Paxton Street and the construction of an archway under the London Midland and Scottish Railway;

Work No. 2 A widening of Manchester Road on the south-westerly side thereof commencing at the south-easterly side of Syke Street and terminating at the northerly side of Grange Lane;

Work No. 3 A widening of Whalley Road on the north-easterly side thereof commencing at a point 12 yards or thereabouts south-east of Dowry Street and terminating at the south-east side of Meadow Street;

Work No. 4 A widening of Whalley Road on the south-westerly side thereof commencing at the north-westerly side of Mole Street and terminating at a point 8 yards or thereabouts south-east of Castle Street;

Work No. 5 A widening of Whalley Road on the north-easterly side thereof commencing at the north-westerly side of Waterloo Street and terminating at the southerly side of Ramsbottom Street;

Work No. 6 A widening of Burnley Road on the south-easterly side thereof commencing at the north-easterly side of Windsor Street and terminating at a point 6 yards south-west of Alice Street;

Work No. 7 A widening of Queen's Road on the north-easterly side thereof commencing at the north-westerly side of Burnley Road and terminating at a point 44 yards or thereabouts distant from Burnley Road;

Work No. 8 A widening of Burnley Road on the south-easterly side thereof commencing at the north-easterly side of Alice Street and terminating at a point 43 yards or thereabouts north-east of Durham Street;

Work No. 9 A widening of Burnley Road on the north-westerly side thereof commencing at the north-easterly side of Burton Road and terminating at the south-westerly side of Hatfield Road;

- Work No. 10 A widening of an occupation road leading from Whalley Road in the direction of Moorhead Farm on the northerly and southerly sides thereof commencing at the westerly side of Whalley Road and terminating at Back Westwood Street and the rounding of the corners at the junction of Whalley Road and Queen's Road; A.D. 1928.  
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- Work No. 11 A widening of Derby Street on the south-westerly side thereof commencing at a point 37 yards or thereabouts south-east of Meadow Street and terminating at the north-westerly side of Maudsley Street;
- Work No. 12 A widening of Maudsley Street on the north-westerly side thereof commencing at the north-easterly side of Whalley Road and terminating at the south-westerly side of Derby Street;
- Work No. 13 A widening of Kenyon Street on the north-westerly side thereof and Weir Street on the north-easterly side thereof commencing at the south-westerly side of Whalley Road and terminating at the south-easterly side of Castle Street;
- Work No. 14 A new street being the continuation and extension of Marquis Street in a south-westerly direction commencing at the south-westerly side of Cobden Street and terminating at the northerly side of Blackburn Road and the rounding of the corner of Union Street and Blackburn Road;
- Work No. 15 A widening of Hyndburn Road on the southern side thereof commencing at the easterly side of Oxford Street and terminating at a point 37 yards or thereabouts measured in an easterly direction therefrom;
- Work No. 16 A widening of Peel Street on the eastern side thereof commencing at the southerly side of Infant Street and terminating at a point 30 yards or thereabouts measured in a southerly direction therefrom.

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For protec-  
tion of  
London  
Midland and  
Scottish  
Railway  
Company.

**116.** The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the company and the Corporation apply and have effect in relation to the exercise of the powers of this Part of this Act (that is to say):—

- (1) The Corporation shall not under the powers of this Act without the previous consent of the company purchase or acquire by compulsion any lands or property of the company but the Corporation may purchase and acquire and the company shall sell and grant accordingly an easement or right of using so much of the lands property and works of the company as may reasonably be required for the construction and maintenance of Work No. 1 (in this section referred to as "the said street work"):
- (2) The Corporation shall before they commence the construction of so much of the said street work as shall or may pass over under adjoin or in any way affect the railway property or works of the company submit to the principal engineer of the company (in this section called "the principal engineer") plans sections and specifications of the said street work proposed to be carried out by the Corporation for the reasonable approval of the principal engineer and on such plans shall show the stages by which it is intended to carry out the said street work Provided that if within twenty-one days from the submission of such plans sections and specifications the principal engineer does not signify to the Corporation his disapproval thereof and his requirements in regard thereto he shall be deemed to have approved thereof Provided further that the Corporation shall have the sole right of prescribing the method of surfacing the street:
- (3) The said street work shall be constructed only according to such plans sections and specifications as shall be approved or deemed as aforesaid to be approved by the principal engineer or determined by arbitration and shall be con-

structed under the superintendence if given and to the reasonable satisfaction of the principal engineer : A.D. 1928.

- (4) The Corporation shall before carrying out so much of the said street work as will be below the existing level of the ground construct such retaining walls or other works as may be reasonably necessary to support the railway works and property of the company :
- (5) The Corporation shall not commence the construction of the said street work until all works of strengthening or underpinning of the abutments and wing walls of the bridges carrying the railway of the company and any temporary works which may be reasonably necessary to support and to ensure the safety of the railway works and property of the company shall have been completed. Provided that such strengthening underpinning or temporary works may (if the company so determine and of such their determination give to the Corporation notice in writing within twenty-one days after the submission of plans sections and specifications to them in accordance with the foregoing provisions of this section and if the company proceed with all reasonable dispatch to carry out the same) be carried out by the company and any expenses reasonably incurred by the company in so doing shall be repaid by the Corporation to the company :
- (6) If it shall be reasonably necessary at any time (either before or during the construction or within two years after the completion of the said street work or any part thereof and in consequence of such construction) that any further or other works or appliances be constructed or measures of precaution taken either by way of addition to the existing works of the company or in connection with the said street work or in relation to the method of construction of the said street work so as to prevent the subsidence of or injury to any of the railways works or property of the company the Corporation shall on being thereunto reasonably required in

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writing under the hand of the principal engineer make and execute at their own expense and according to plans sections and specifications to be prepared by him and reasonably approved by the surveyor to the Corporation such works or take such measures of precaution including the temporary cessation of the construction of the said street work as the principal engineer shall reasonably require. The construction of the said street work when commenced shall proceed without cessation except as aforesaid and with all reasonable dispatch :

- (7) Notwithstanding the approval of plans sections and specifications or supervision by or completion to the satisfaction of the principal engineer as aforesaid and notwithstanding the compliance by the Corporation with the provisions of this section if during and in consequence of the execution of the said street work the said railway of the company or any of the works connected therewith or any property of the company shall be injured or damaged the company shall be entitled forthwith to make good such injury or damage and shall recover the amount reasonably expended in so doing from the Corporation but the company shall give to the Corporation an opportunity of inspecting such injury or damage before making good the same :
- (8) The Corporation shall not in executing the said street work in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway and property of the company as existing at the time of the execution of the said street work or any traffic thereon and if at any time or times hereafter the free and uninterrupted user of the railway of the company as existing at the time of the execution of the said street work or any traffic thereon shall be obstructed hindered or interfered with by the Corporation contrary to this enactment the Corporation shall notwithstanding any approval as aforesaid pay to the company all reasonable costs and expenses to

which the company may be put and compensation for the loss sustained by the company by reason of any such interruption or interference : A.D. 1928.  
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- (9) Notwithstanding anything contained in this Act the Corporation after due notice thereof shall be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to their railways works or property or to any person or persons using the same by reason of the construction alteration or maintenance of the said street work or of the failure of any part thereof repairable by the Corporation or of any act or omission of the Corporation or of any of the persons in their employment or of their contractors and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such construction alteration maintenance failure or omission :
- (10) During the construction of the said street work and of any of the further works mentioned in this section the Corporation shall after due notice thereof bear and on demand pay to the company the reasonable expense of the employment by them of such inspectors and watchmen (if any) to be appointed by the company as may be reasonably necessary for inspecting the said street work and further works as aforesaid and for watching their railway and the works and conveniences connected therewith in order to prevent as far as may be all interference obstruction danger and accident arising from any of the operations of the Corporation or from the act or default of their contractors or of any person or persons in their employment and the Corporation shall at all times give ample facilities to the principal engineer and his assistants or inspectors for full and free access to the said street work during or after construction and shall also furnish him or them with every information he or they may reasonably require with regard to

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the said street work or the method of construction thereof :

- (11) If the company shall at any time after the construction of the said street work desire to widen alter or extend their railway or any of the works or conveniences connected therewith the Corporation shall give to the company every reasonable facility for the execution of such widening alteration or extension and any additional expense which the company may reasonably incur in carrying out any such widening alteration or extension by reason of the construction of the said street work shall be repaid to them by the Corporation :
- (12) Any difference which shall arise between the Corporation and the company or their respective engineers under this section other than subsection (1) thereof shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Limits of  
deviation.

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

Subsidiary  
works.

**118.—**(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connection with the street works and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the street works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the street works or of crossing under or over the same or otherwise and may alter and remove any drinking troughs lamp-posts railings refuges or other structures erected upon any street or land within the



said limits and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

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

**119.** 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 may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to  
alter steps  
pipes areas  
&c.

**120.—(1)** The Corporation during and for the purpose of the execution of the street works may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or from any house in the street from passing along and using the same.

Temporary  
stoppage of  
streets.

(2) The Corporation shall provide reasonable access for foot-passengers bonâ fide going to or from any such house.

(3) The Corporation shall also provide reasonable access for foot-passengers and vehicular traffic bonâ fide going to or from any railway station or depôt of any railway company.

**121.** And whereas in order to avoid in the execution and maintenance of the street works injury to the

Under-  
pinning of  
houses near

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—  
street  
works.

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

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as " the referee ") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference :
- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :

- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment : A.D. 1928.  
—
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

**122.** Subject to the provisions of this Act the Corporation may cause such parts of the street works to be laid out for carriageway and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such

Carriageway  
footway  
sewers and  
other works.

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—

vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of or in connection with the street works.

For protec-  
tion of  
Accrington  
District Gas  
and Water  
Board.

**123.** For the protection of the Accrington District Gas and Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the Corporation apply and have effect (that is to say):—

- (1) Notwithstanding anything contained in this Part of this Act or shown on the deposited plans and sections the works by this Part of this Act authorised shall be constructed by the Corporation in such position as will not prevent ready and full access to the existing pipes and works of the board for the purpose of repairing lowering or renewing those pipes and works by the board and in accordance with plans and sections to be reasonably approved by the engineer of the board or settled by an arbitrator to be appointed as hereinafter provided:
- (2) Any difference arising between the board and the Corporation under the provisions of this section shall be referred to and determined by a single arbitrator to be appointed failing agreement between the parties by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and arbitration.

## PART V.

### LANDS.

Power to  
acquire  
lands for  
street works  
and other  
purposes:

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

(2) The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to

authorise the purchase by the Corporation by agreement of any other lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be required by them for the purposes of or in connection with the street works or other the purposes of this Act.

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

Correction  
of errors  
omissions  
&c.

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

Power to  
enter upon  
property for  
survey and  
valuation.

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—  
Owners may  
be required  
to sell parts  
only of cer-  
tain pre-  
mises.

**127.**—(1) Whereas in the construction of the street works or otherwise in the exercise by the Corporation of the powers of this Act it may happen that 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 Second Schedule of this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are in this section included in the term “ the owner ” and the said properties are in this section referred to as “ the scheduled properties ” ;
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of the scheduled 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 them determine whether the portion of the scheduled 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 determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;
- (e) If the tribunal determines that the portion of the scheduled 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 determines that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they 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 determines that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not

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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 his final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

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

Persons under disability may grant easements &c.

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

Benefits to be set off against compensation.

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



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

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—  
Compensation in case of recently created interest.

(1) The tribunal shall not take into account any building erected or any improvement or alteration made or any interest in land created after the nineteenth day of November nineteen hundred and twenty-seven and before the date of the passing of this Act if in the opinion of the tribunal the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act:

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

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

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

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

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within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

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

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

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

Limit of time for compulsory purchase of lands.

**131.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of October nineteen hundred and thirty-three.

Extinction of private rights of way.

**132.—**(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.

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

Power to Corporation to make agreements

**133.** The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in

any lands houses or property abutting on any portion of the street works or of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands or property (including any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the street works) for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Corporation for the purposes of this Act.

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—  
with owners  
of property  
&c.

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

Power to  
reinstate  
owners of  
property.

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

Reservation  
of ease-  
ments &c.

**136.—(1)** The Corporation may with respect to any lands for the time being belonging to them and not required for the purpose for which they were acquired exercise all or any of the following powers (viz.) :—

Power to  
develop  
lands &c.

- (a) they may with the consent of the Minister lay out and develop any such lands and on any such lands may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways;

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(b) they may grant any easements rights or privileges in under or over any such lands and may pull down and remove any house or other building situate on any such lands and use or dispose of the materials thereof.

(2) The Corporation may also sell lease exchange or otherwise dispose of any houses shops offices warehouses or buildings erected or situate on any such lands and subject to such terms conditions and restrictions as they may think fit including conditions and restrictions as to the buildings to be erected and the use to which such buildings may be put.

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

(4) Notwithstanding the foregoing provisions of this section the Corporation shall not under the powers of this section—

(a) lay out or develop any lands or erect on any lands any houses shops offices warehouses or other buildings in any manner which infringes any then existing legal right of any owner lessee or occupier of adjoining lands; or

(b) except with the consent of the Minister sell lease or dispose of any such houses or other buildings except at the best price or on the best terms which can reasonably be obtained but nothing in this subsection shall require a purchaser or lessee from the Corporation to inquire whether the consent of the Minister is necessary or has been obtained.

Further  
powers for  
the acquisition of  
lands.

**137.**—(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 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. A.D. 1928.

(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 general rate fund and general rate.

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

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

**138.**—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such 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 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 Act 1925) 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

Retention  
and disposal  
of lands.

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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 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 but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained :

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

(2) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Powers with reference to leases of lands.

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

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender

or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion: A.D. 1928.

Provided that any such lease granted by the Corporation shall be subject to similar conditions and limitations as are prescribed in the last preceding section of this Act with respect to leases granted thereunder.

**140.**—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act (other than lands acquired under the section of this Act of which the marginal note is “Further powers for the acquisition of lands”) in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this 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. Proceeds of  
sale of sur-  
plus lands.

(2) Provided that—

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

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## PART VI.

## MARKETS FAIRS AND SLAUGHTER-HOUSES.

Use of  
market  
place for  
fairs.

**141.** The Corporation may permit any market place or any land used for the purposes of any market or cattle market or any open land belonging to them to be used for the annual August pot fair and the annual spring and August pleasure fairs and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto.

Increase of  
market tolls  
&c.

**142.** In place of all or any of the tolls stallages and rents authorised by the Improvement Act of 1882 the Corporation may from time to time by resolution approved by the Minister fix other tolls stallages and rents and the tolls stallages and rents so fixed by the Corporation shall thereafter be the maximum tolls stallages and rents which the Corporation may demand and take for the several matters to which those tolls stallages and rents respectively relate.

## PART VII.

## ELECTRICITY.

As to sup-  
ply of elec-  
tricity in  
Huncoat.

**143.** Except in the event and subject to the provisions of the section of this Act of which the marginal note is "For protection of Lancashire Electric Power Company" nothing in this Act shall extend the limits of the Corporation for the supply of electricity so as to include the parish of Huncoat or authorise the Corporation to supply electricity within or for use within that parish.

For protec-  
tion of  
Lancashire  
Electric  
Power Com-  
pany.

**144.**—(1) The Corporation may at any time before the first day of December nineteen hundred and twenty-eight subject to the approval of the Electricity Commissioners give notice in writing to the Lancashire Electric Power Company (hereinafter in this section referred to as "the company") requiring the company to sell as on the first day of April nineteen hundred and twenty-nine (in this section referred to as "the date of purchase") so much of the undertaking of the company authorised by the Blackburn Burnley and Clitheroe Rural Districts Electricity Special Order 1925 (hereinafter in this section referred to as "the Order of 1925") as is situate in



the parish of Huncoat including except as hereinafter provided all mains meters services and other apparatus belonging to the company (which mains meters services and other apparatus are hereinafter referred to as "the Huncoat Special Order undertaking") used exclusively for the purposes of supplying electricity in that parish under the powers of the Order of 1925.

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(2) If such notice as aforesaid be given by the Corporation to the company and approved by the Electricity Commissioners the following provisions shall have effect :—

(a) On the date of purchase the company shall sell and transfer and the Corporation shall purchase at the price hereinafter mentioned the Huncoat Special Order undertaking freed and discharged from any debts mortgages or similar liabilities of the company or attaching to the remainder of the company's undertaking;

(b) The price to be paid by the Corporation to the company for the purchase of the Huncoat Special Order undertaking shall be a sum equal to the capital expenditure of the company in the Huncoat Special Order undertaking calculated on the date of purchase as certified by the company's auditors and a further sum equal to twenty per centum of such sum in addition thereto and which total amount if not paid on the date of purchase shall be a debt due from the Corporation to the company carrying interest at the rate of six per centum per annum from that date until the date of payment;

(c) On the date of purchase the parish of Huncoat shall cease to be in the area of supply for the purposes of the Order of 1925 and shall become and be part of the electricity limits as though it formed part of the added area defined in the First Schedule to the Accrington Electricity (Extension) Special Order 1922 and all powers and obligations of the company in relation to the supply of electricity under the Order of 1925 within the said parish shall absolutely cease and determine.

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—

(3) Notwithstanding anything in the last preceding subsection all rents rates and charges and other sums which at the date of purchase are due or payable or accruing due or payable to the company shall continue in force and be due and payable to and may be collected recovered and enforced by the company in the same manner and with and by the same benefits and processes as if this Act had not been passed.

(4) Nothing in this Act shall repeal alter or diminish any of the rights powers and privileges of the company under the Lancashire Electric Power Acts 1900 to 1906 with reference to the supply of electricity within or for use within the said parish of Huncoat or otherwise nor shall anything in this Act authorise the Corporation to acquire any mains pipes works or apparatus belonging to the company and used for the purposes of supplying electricity under the powers of those Acts.

For the purposes of this subsection the supplies of electricity now being given by the company to the under-mentioned premises in the parish of Huncoat shall be deemed to be given under the last-mentioned Acts and accordingly the mains pipes works or apparatus used for the purpose of providing such supplies of electricity and the eleven thousand volt cable of the company in the said parish from which such supplies are given shall be deemed not to form part of the Huncoat Special Order undertaking and shall remain and be the property of the company.

The premises above referred to are—

The Huncoat brickworks of B. Whitaker and Sons Limited.

(5) Notwithstanding anything in this section or the acquisition by the Corporation of the Huncoat Special Order undertaking the Corporation shall not except with the consent of the company supply or be under any obligation to supply electricity within or for use within the parish of Huncoat except to consumers supplied off low tension mains and except supplies for power purposes with a maximum demand not exceeding thirty kilowatts Provided that if any consumer who shall have taken from the Corporation a supply of electricity for power purposes with a maximum demand not exceeding thirty

kilowatts shall desire to increase his supply for power purposes above a maximum demand of thirty kilowatts and the company do not consent to the Corporation giving such increased supply the company shall repay to the Corporation the costs and expenses incurred by the Corporation and certified by the treasurer and confirmed by the auditor to the Corporation in respect of service cables and apparatus in connection with the supply for power purposes to the consumer and on such payment being made any service cable or other works provided by the Corporation for giving the supply for power purposes to that consumer shall become transferred to and vested in the company.

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(6) If the notice referred to in subsection (1) of this section shall not be given to the company before the first day of December nineteen hundred and twenty-eight or if such notice is not approved by the Electricity Commissioners the provisions of this section shall on the said date or on the notification of the commissioners that they have refused their approval to the notice whichever is the earlier cease to have effect.

**145.** Subject to the provisions of the Electricity (Supply) Acts 1882 to 1926 and the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking of the Corporation and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient. Provided that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and

Power to  
construct  
electrical  
sub-stations  
under  
streets.

A.D. 1928. may determine by which of the parties the costs of the appeal are to be paid:

Provided also that the Corporation shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway or under any bridge carrying a railway over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the railway company concerned but such consent shall not be unreasonably withheld or (b) so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

Attachment  
of brackets  
&c. to  
buildings.

**146.**—(1) The Corporation may with the consent of the owner of any building or bridge attach thereto (but in the case of a bridge only to the underside thereof) such brackets pipes wires and apparatus as may be required for lighting any street in the borough or in the electricity limits or for the purposes of the electricity undertaking.

(2) Provided that—

(a) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building or bridge 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 or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;

(b) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building or bridge but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where

such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under proviso (a);

A.D. 1928.

- (c) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

(3) For the purpose of this section any occupier of a building 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.

(4) Notwithstanding anything contained in this section no brackets pipes wires or attachments shall be attached to any bridge or building belonging to or forming part of the railway undertaking of a railway company without the previous consent in writing of that company or if in the opinion of an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers such consent is unreasonably withheld the consent of such engineer.

**147.** Where under the provisions of any Act or Order relating to the Corporation or the electricity undertaking the electricity limits are bounded by or abut upon any road such limits shall be deemed to extend to a further distance of 100 yards from the boundary of such limits :

As to elec-  
tricity  
limits.

Provided nevertheless that the electricity limits shall not be deemed to include any part of any area of supply under any Order made prior to the passing of this Act under the Electricity (Supply) Acts 1882 to 1926 for which the Lancashire Electric Power Company are the authorised distributors.

**148.** Where a separate transformer and the cables and other apparatus in connection therewith are provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may use such transformer cables and other apparatus for the purpose of affording a supply of electricity to other consumers so long as such use does not

As to use of  
transform-  
ers.

A.D. 1928. — prejudice or interfere with the supply for which such transformer cables and other apparatus were originally provided.

Byelaws as  
to apparatus  
and fittings.

**149.**—(1) The Corporation may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity or cut off and discontinue the supply of electricity to any building or premises in which such byelaws are not complied with.

(2) The provisions of section 6 (Regulations to be inserted in licences &c.) of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depôt adjoining the railway or railway sidings of any railway company.

Further  
powers as to  
entry upon  
premises.

**150.**—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 as extended by this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry

by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage. A.D. 1928;

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 as extended by this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in either of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

### PART VIII.

#### STREETS AND BUILDINGS.

**151.**—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street within the meaning of their byelaws with respect to new streets or any provisions in a local Act with respect to the width of new streets the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans sections and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

Develop-  
ment  
scheme may  
be required  
in connec-  
tion with  
new streets.

(2) If after the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans and particulars as approved and if any such owner shall offend against the provisions of this section he shall be

A.D. 1928. liable to a penalty of not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The said owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(4) (a) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

(5) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

Adjustment  
of bound-  
aries of  
streets.

**152.**—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street within the borough for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land. For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month any four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their



proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this proviso.

A.D. 1928.

(3) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation for an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section.

(4) On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

(6) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

**153.**—(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 street within the meaning of the Corporation byelaws with respect to new streets or any provisions in a local Act with respect to the width of new streets 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 so to be

Adjustment  
of bound-  
aries of  
estates.

A.D. 1928.

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 and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement 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 any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister 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. A.D. 1928. —

**154.**—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 (Power to prescribe improvement line for widening streets) of the Public Health Act 1925 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 improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line. Further powers as to future line of street.

(2) The owner may and if so required by the Corporation 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 and 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 compensation 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.

A.D. 1928.

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Building  
line in  
streets.

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

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

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

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

(5) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings

could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

A.D. 1928.

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

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

(8) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court of summary jurisdiction may direct.

**156.** Nothing in this Part of this Act shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any house or land which is acquired or which may hereafter be acquired by any such company and used for the purposes (other than for a dwelling-house) of their undertaking with the authority of Parliament.

For further  
protection  
of railway  
companies.

## PART IX.

### SANITARY AND HEALTH PROVISIONS.

**157.**—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public Health (Buildings in Streets) Act 1888 to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

Provisions  
as to tents  
vans &c.

A.D. 1928.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

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

Prohibition  
of tents  
vans &c.

**158.**—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the borough without the previous approval of the Corporation.

(b) It shall not be lawful for any person without the previous consent of the Corporation to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(2) Any person aggrieved by the withholding by the Corporation of any approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(3) This section shall not apply to (a) a tent van shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (b) 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.

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

159.—(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. 1928.

Regulation  
dustbins.

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

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

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(5) The owner or occupier of all premises in connection with which a dustbin has been provided as required by this section shall if so required by the Corporation pay to the Corporation on each first day of April after such provision such sum not exceeding five shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such dustbin. Such payments shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance of such dustbin.

(6) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten

A.D. 1928. — shillings and to a daily penalty not exceeding ten shillings.

Discontinu-  
ance of  
offensive  
trade.

**160.**—(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 section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade. Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of section 157 (As to appeal) of the Act of 1905 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 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 such compensation for any loss sustained by him in consequence of the action of the Corporation as may be agreed upon between the Corporation and such person or as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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



**161.**—(1) Every dwelling-house erected within the borough 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.

A.D. 1928.

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Food stor-  
age accom-  
modation to  
be provided  
in new  
houses.

(2) (a) Every existing dwelling-house and 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.

(d) 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 may make such order as appears to the court just and equitable under all the circumstances of the case.

**162.** 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 this Part of this Act as if those purposes had been mentioned in the said section 102.

Power to  
enter pre-  
mises.

A.D. 1928.

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

**163.**—(1) Public notice of the provisions of this Part of this Act shall be given within one month after the passing of this Act by advertisement in two newspapers circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

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

## PART X.

## HACKNEY CARRIAGES AND POLICE.

Inspection  
and certifi-  
cation of  
taximeters.

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

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

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable

intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings. A.D. 1928.

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

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

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

**168.** The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage or omnibus 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 or omnibus 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.

A.D. 1928.  
—  
Regulations  
for con-  
trolling  
traffic.

**169.**—(1) The Corporation may from time to time make regulations prescribing within the central area referred to in subsection (9) of this section—

- (a) the streets which are not to be used for traffic by vehicles of any specified class or classes either generally or during specified times;
- (b) the streets along which vehicular traffic shall pass in one direction only and the direction in which such traffic shall pass;
- (c) 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 paragraphs (a) or (b) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the central area whilst so engaged.

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister of Transport for his approval and shall give notice of the subject matters of the regulations by advertisement in a local newspaper circulating in the borough and in the London Gazette and in such other manner (if any) as the said Minister may direct. The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the said Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(3) The said 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 disapprove the same.

(4) Before approving any regulations the said Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) 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 said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the said Minister for the services of such person.

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—

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The regulations shall take effect as approved by the said 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 circulating in the borough and otherwise in such manner as may be prescribed by the said Minister and shall also during the continuance of any regulation approved under paragraph (b) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the said Minister indicating the effect of the regulation and the street to which it relates.

(8) As respects any regulation made and approved under this section (subject to any modification or extension made by the said Minister as hereinafter provided) any person who—

(a) shall contravene any regulation under paragraph (a) of subsection (1) of this section after warning given by word or signal by a police constable in uniform; or

(b) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (b) of the said subsection and a warning notice shall have been erected pursuant to subsection (7) of this section in contravention of such regulation; or

(c) shall contravene any regulation under paragraph (c) of subsection (1) of this section;

shall be liable to a penalty not exceeding forty shillings.

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(9) In this section—

- (a) “ The central area ” means any part of the borough which is within a radius of half a mile from the town hall; and
- (b) “ Specified ” means specified in any regulations made or approved under this section.

(10) The Minister on the application of any company body or person appearing to him to be sufficiently interested and alleging that any regulation made under this section is unsuitable for the traffic requirements of the borough may be satisfied as to the correctness of such allegation and after considering any representations made to him by the Corporation may modify or extend the regulation to which the application relates.

Regulations  
as to stands  
or stopping  
places of  
omnibuses.

**170.**—(1) The Corporation may make regulations prescribing within the borough—

- (a) as respects omnibuses in general or omnibuses of any particular class or used on any particular route or running according to a published time-table the stands which may be occupied exclusively by them and the places where they may stop for longer than is necessary for the purpose of picking up and setting down passengers; and
- (b) the time during which any omnibus shall be allowed to remain at a prescribed stand or stopping place;

and any omnibus standing upon any such stand or stopping place in accordance with regulations made under this section shall be deemed to be within the exception in the ninth paragraph of section 28 of the Town Police Clauses Act 1847.

(2) Upon the coming into force of the regulations first made under this section the sixth paragraph of section 6 of the Town Police Clauses Act 1889 shall cease to extend to the borough and any byelaws made by the Corporation under that paragraph shall be repealed.

(3) Where the Corporation propose to make regulations under this section they shall cause notice of their proposal and a statement of the effect of the proposed regulations to be published in at least one newspaper

circulating within the borough and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the borough. A.D. 1928.

(4) Every such notice shall indicate the date (which shall not be less than twenty-eight days) within which any objection to the regulations shall be sent in writing to the Corporation and shall contain a notification of the place at which copies of the proposed regulations may be obtained free of charge.

(5) The Corporation shall consider and determine any objection to the proposed regulations which is sent to them in writing within the time fixed in that behalf and shall send notice of their decision to the objector who if he is dissatisfied with their decision may within fourteen days after the receipt of the notice appeal to the Minister of Transport.

(6) A notification of the right of appeal under this section shall be included in any notice sent by the Corporation of their decision on an objection to the regulations and upon any appeal being made to the said Minister notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the Corporation.

(7) The said Minister shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

(8) Before making any order under this section the said Minister may and if an appeal duly made is not withdrawn shall (unless the appeal appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the provisions in subsections (4) and (5) of the section of this Act the marginal note whereof is "Regulations for controlling traffic" as to expenses and notices of local inquiries shall extend to any local inquiry so directed by the said Minister.

(9) Where an objection has been made to regulations proposed by the Corporation under this section the regulations shall not be sealed by the Corporation until after the expiration of the time within which an appeal may be made by the objector to the said Minister or if an appeal to the said Minister has been made by the

A.D. 1928. — objector until after the determination or withdrawal of the appeal.

(10) Any company body or person running omnibuses in the borough may at any time apply to the said Minister to modify any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the borough or has been unfairly enforced and upon any such application the said Minister after considering any representations made to him by the Corporation may modify or extend the regulation to which the application relates.

(11) The Corporation shall not make any regulation under the powers of this section prescribing any stand or stopping place for omnibuses so as to cause any interference with or render less convenient the access to or exit from any station depôt or property belonging to any railway company.

Evidence of regulations made by Corporation.

**171.** Section 24 of the Municipal Corporations Act 1882 which relates to the proof of byelaws shall extend to regulations made under the last two preceding sections of this Act by the Corporation as the said section 24 extends to byelaws so made.

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

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

As to street traffic.

**173.** The Corporation may delegate their powers under section 21 of the Town Police Clauses Act 1847 and under the last preceding section of this Act to a committee consisting of not less than five members of the Corporation and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the Corporation.

Power to stop traffic on occasions of emergency.

**174.** It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on emergency to cause barricades to be erected across any



of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

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**175.**—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the head police office forty-eight hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

Notice of  
processions  
to be given.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

**176.** From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Acts relating to any park or place of public resort or recreation ground under the control of the Corporation as is given to the servants of the Corporation by the byelaws for the time being in force under the provisions of the said Acts.

Power of  
constables  
to enforce  
byelaws as  
to parks &c.

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

Compensa-  
tion for  
injuring  
lamps &c.

**178.** The Corporation may (a) erect or fix police telephone call boxes in such positions in any street road

Police tele-  
phone call  
boxes and  
fire alarms,

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or public place within the borough as they think fit and (b) with the consent of the road authority and with the consent and at the cost of the local authority (which cost the local authority are hereby authorised to incur) erect or fix street fire alarms in such positions as may be agreed in any street road or public place in the district of any local authority with whom the Corporation have entered into an agreement for the use of their fire brigade. 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.

The Corporation shall not erect any boxes or alarms under the powers of this section so as to cause interference with obstruct or render less convenient the access to or exit from any station depôt or property belonging to any railway company.

Fire plugs.

**179.** Any person who shall cover over wilfully or negligently obstruct or interfere with the convenient access to any police telephone call box fire alarm fire-plug or hydrant within the borough or who shall damage remove or efface any plate or mark indicating the position of any such call box alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

## PART XI.

## FINANCE.

Expenses of execution of Act.

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

Power to borrow.

**181.—(1)** The Corporation may from time to time independently of and in addition to any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table

which shall be deemed to be the prescribed periods for the purposes of the enactments applied by this Act (namely) :— A.D. 1928.

1.	2.	3.
Purpose.	Amount.	Period of Repayment.
	£	
(a) For the purpose of making any payment to the county council or to any other authority under Part II of this Act or under any enactment the provisions of which are applied thereby.	The sum requisite.	Forty-five years from the date or dates of borrowing.
(b) For the purpose of making any payment under the provisions of the section of this Act of which the marginal note is "Compensation to existing officers."	The sum requisite.	Twenty years from the date or dates of borrowing.
(c) For the provision of trolley vehicles	40,000	Ten years from the date or dates of borrowing.
(d) For the provision of electrical equipment and the construction of other works necessary for working the trolley vehicles authorised by this Act.	10,000	Twenty years from the date or dates of borrowing.
(e) For the provision of omnibuses -	25,000	Eight years from the date or dates of borrowing.
(f) For the erection of buildings for the purposes of the omnibuses.	15,000	Forty years from the date or dates of borrowing.
(g) For the execution of the street works.	28,601	Thirty years from the date or dates of borrowing.
(h) For the acquisition of lands therefor (including expenses incurred as part of the consideration for such acquisition) and for other purposes of this Act.	43,275	Sixty years from the date or dates of borrowing.
(i) For paying the costs charges and expenses of obtaining this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister borrow such further money as may be necessary for any of the other purposes of this Act other than for the purposes of Part III (Tramways trolley

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vehicles and omnibuses) and Part VII (Electricity) and may with the consent of the Minister of Transport as respects the said Part III and of the Electricity Commissioners as respects the said Part VII borrow such further money as may be necessary for any of the purposes of the said Parts of this Act.

(b) The Corporation may also borrow such further moneys as may be necessary for the purpose of providing a fund for working capital—

- (i) As respects the tramway trolley vehicle and omnibus undertakings with the consent of the Minister of Transport;
- (ii) As respects the electricity undertaking with the consent of the Electricity Commissioners;
- (iii) As respects the markets undertaking with the consent of the Minister.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

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

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 131 (Power to use one form of mortgage for all purposes) of the Act of 1905.

Repeal of section 6 (1) of Accrington Corporation (Consolidation of Loans) Act 1890 and further powers as to stock.

**182.**—(1) The proviso to subsection (1) of section 6 (Creation of Corporation stock) of the Accrington Corporation (Consolidation of Loans) Act 1890 is hereby repealed.

(2) Notwithstanding anything contained in the Accrington Corporation (Consolidation of Loans) Act 1890 the Corporation may exercise any statutory borrowing power by the creation and issue of a further new class or classes of redeemable stock at such prices and bearing such dividends as the Corporation may determine by the resolution creating such stocks.

(3) Each class of stock created under subsection (2) of this section shall bear a distinguishing name or number to be given by the resolution creating it and shall be created on and subject to such terms and conditions as that all stock in the class shall bear one and the same rate of dividend and shall become redeemable as hereinafter provided at the expiration of the same period from the first creation of the stock.

(4) After the expiration of such a period from the creation of the class of stock under subsection (2) of this section as the Corporation shall by the resolution creating the same declare all stock comprised therein shall be redeemable at par at the option of the Corporation and within such a period (not exceeding sixty years) from the first creation of such class of stock as the Corporation shall by such resolution declare the whole of the stock comprised therein shall be redeemed or purchased and extinguished.

(5) All stock created and issued under this section shall be charged in the same manner as and rank *pari passu* with stock issued under the said Act of 1890 and shall otherwise be subject to the provisions of that Act as altered by subsequent Acts.

(6) A separate loans fund to bear the name given to it by the resolution creating each class of stock shall be established and formed in respect of each class which may be created and issued by the Corporation by virtue of this section and all the provisions of the said Act of 1890 as altered by subsequent Acts in regard to the Accrington Corporation Consolidated Loans Fund shall *mutatis mutandis* apply to the loans funds so to be established and formed.

**183.** The following sections of the Act of 1905 shall extend and apply to the moneys borrowed under and to the purposes of this Act as if those provisions were with all necessary modifications re-enacted (namely):—

Application  
of sections  
of Act of  
1905 as to  
borrowing.

- Section 127 (Mode of raising money);
- Section 128 (Certain regulations of Public Health Act as to borrowing not to apply);
- Section 129 (Provisions of Public Health Act as to mortgages to apply);

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- Section 132 (Mode of payment off of money borrowed);
- Section 134 (Protection of lender from inquiry);
- Section 135 (Corporation not to regard trusts);
- Section 136 (Appointment of receiver);
- Section 138 (Application of money borrowed);  
and
- Section 140 (Power to use sinking fund instead of borrowing).

Power to  
re-borrow.

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

- (a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or
- (b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

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

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

- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

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185.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) 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. 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 such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the 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 immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(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 and accumulate during the

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residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) 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.

(7) 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 that any such increase is necessary the Corporation shall increase the payments to such extent as the Minister may direct.

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

(9) 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 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 be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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(10) 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 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 the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

(11) 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 may determine.

(12) All moneys which at the date of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

**186.** When under the provisions of this Act or of any other Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund redemption fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if any) required to be set apart for or paid into such sinking fund redemption fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation. The accumulations of the

Investment  
of and pay-  
ments into  
sinking  
fund.

A.D. 1928. — said yearly sums shall be paid and provided out of the general rate fund and general rate and any interest dividends and proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and form part of the general rate fund.

Use of  
moneys  
forming part  
of sinking  
and other  
funds.

187. Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent insurance superannuation or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

- (1) The moneys so used shall be repaid to the lending fund within the period and 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 repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation 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 such interest shall be paid out of the fund rate or revenue which would be applicable to

the payment of interest on a loan raised under the statutory borrowing power : A.D. 1928.

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

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

- (a) all moneys borrowed by the Corporation whether by issue of bonds stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power ;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose ;
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt ; and
- (d) a sum or sums equal to the aggregate amount of all dividends and interest payable in each year on bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding :

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as

A.D. 1928. — aforesaid before the date on which the consolidated loans fund is established.

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

- (a) in the redemption of stock or any other securities issued by the Corporation the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation;
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; and
- (c) in the payment of dividends and interest on the bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding :

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

(3) Subject to any priority existing at the passing of this Act all bonds 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 bonds 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 and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

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**189.** 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 shall in each case prescribe.

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

**190.** In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 the amount which the Corporation may borrow the amount at the time of such calculation 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 outstanding loans contracted by the Corporation under those Acts.

As to section 234 of Public Health Act 1875.

**191.—(1)** The town clerk shall if and when he is requested by the Minister 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.

Return to Minister with respect to repayment of debt.

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

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thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the borough requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

Receipt in  
case of per-  
sons not sui  
juris.

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

Interest on  
mortgages  
held  
jointly.

**193.** Where more persons than one are registered as joint holders of any security 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.

Evidence of  
transfer or  
transmis-  
sion of  
securities.

**194.** 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 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 or registrar of stock of the Corporation 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.

**195.**—(1) All moneys received by the Corporation on account of the revenue of any undertaking for the time being of the Corporation from which revenue is derived (including the interest on any reserve fund authorised in connection therewith) shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

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—  
Application  
of revenue  
and pay-  
ment of ex-  
penses of  
under-  
takings.

(2) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings (other than the electricity undertaking) referred to in subsection (1) of this section in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings respectively.

**196.**—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the following undertakings (namely):—

Reserve  
funds of  
certain un-  
dertakings.

- (a) the tramway undertaking;
- (b) the trolley vehicle undertaking;
- (c) the omnibus undertaking;
- (d) the electricity undertaking; and
- (e) the markets 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 until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation.

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

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so

A.D. 1928. — 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.

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

As to revenue and reserve fund of electricity undertaking.

**197.** Nothing contained in this Act shall be deemed to authorise the Corporation to apply or dispose of the net surplus revenue and the annual proceeds of the reserve fund of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 or to increase the said reserve fund beyond the limit prescribed by section 7 of the Electric Lighting (Clauses) Act 1899.

Accounts.

**198.**—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the following undertakings (that is to say):—

- (i) the tramway undertaking;
- (ii) the electricity undertaking;
- (iii) the markets undertaking;

(each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the interest on any reserve fund authorised in connection therewith) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;



- (d) All other expenses (if any) of the undertaking properly chargeable to revenue; A.D. 1928.  
—
- (e) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain.

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

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

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

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

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

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditors and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts

A.D. 1928. 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.

Fidelity  
guarantee  
fund.

**200.** 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 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 as they from time to time deem expedient out of any revenues of the Corporation which are properly chargeable therewith 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.

**201.** 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 education account 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.

Subscrip-  
tions to local  
government  
associations  
and other  
expenses.

**202.** The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882—

(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;

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- (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.

## PART XII.

## MISCELLANEOUS.

**203.** In addition to any other powers exerciseable by them whether as the local education authority or otherwise the Corporation may expend on the provision of lectures on educational or other subjects such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds and may charge for admission to such lectures.

Power to  
expend  
money on  
lectures.

**204.**—(1) The Corporation may cleanse and scour as they think fit and so far as may be necessary for the purpose of securing the free flow of water therein may excavate the waterway or bed and course or any part or parts thereof respectively of all rivers streams and watercourses in the borough.

Power to  
cleanse and  
improve  
rivers and  
water-  
courses.

(2) (a) The Corporation may also for the purpose of preventing the silting up of the waterways of the said rivers streams and watercourses from time to time as they deem fit invert pitch straighten form and improve with such materials as they think fit or cover in and otherwise improve all or any portions of the waterway bed or course and banks of the said rivers streams and watercourses and for preventing interference with the free

A.D. 1928.

flow of the waters of the said rivers streams and water-courses they may from time to time construct and maintain all such walls banks arches culverts and other works in over or on the side of the rivers streams and water-courses respectively within the borough as they may deem expedient making compensation to the owner lessee or occupier of the lands upon which any works may be constructed under this subsection for any damage which may be caused in the execution of such works to any roads bridges buildings works plant gardens allotments and fields abutting upon or situate near to the said rivers streams or watercourses.

(b) The Corporation shall submit to the owner lessee and occupier of any lands upon which any works are intended to be constructed under this subsection plans and sections of such works for the reasonable approval of the owner lessee and occupier and if within fourteen days from the date when the same shall have been submitted the owner lessee and occupier shall not have signified in writing their approval or disapproval of such plans and sections and in the case of disapproval shall not within such period have stated the reasons for such disapproval and their requirements in relation thereto the Corporation shall be at liberty to proceed with the works without the approval of the plans and sections.

(c) Before commencing to execute any works authorised by this subsection the Corporation except in case of emergency shall give to the owner lessee or occupier of the lands upon which the works are intended to be executed not less than three days' notice in writing of their intention to commence the same and the Corporation shall not without the consent in writing of the occupier of the lands execute any such works before six o'clock in the morning or after five o'clock in the afternoon.

(d) The Corporation shall not invert pitch cover in or otherwise deal with any portion of the waterway bed or course or the banks of any river stream or watercourse or construct any walls banks arches culverts or other works in or on the side of the same respectively in any manner which will prejudicially affect the drainage of water from lands outside the borough.

(e) No buildings shall be erected or placed upon any works constructed by the Corporation in pursuance of this subsection in over or on the side of any of the said rivers streams and watercourses without the consent of the Corporation and then only upon such terms and conditions as the Corporation may prescribe. A.D. 1928.

(3) If any difference shall arise between the Corporation on the one hand and the owner lessee or occupier on the other hand in relation to the plans and sections hereinbefore in this section referred to or as to the true intent and meaning of this section or as to anything to be done or not to be done thereunder the same shall be referred to and approved by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of the Corporation or other party in difference.

**205.** For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation apply and have effect in regard to the exercise by the Corporation of the powers of the section of this Act of which the marginal note is "Power to cleanse and improve rivers and watercourses" (that is to say):—

For further protection of London Midland and Scottish Railway Company.

(a) The Corporation shall not carry out any works under the powers of the said section so as in any way to interfere with the waterway bed or course of any stream or watercourse passing under through or by the side of any work of the company until after twenty-eight days' previous notice in writing shall have been given to the principal engineer for the time being of the company except in cases of emergency:

(b) All such works where situate under through or by the side of any work of the company shall be done under the superintendence if given and to the reasonable satisfaction of such engineer:

(c) All works done under the powers of the said section shall be done so as not to cause any injury to any work of the company and if any injury shall arise to any work of the company

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in consequence of any such works of the Corporation the Corporation shall make full compensation to the company in respect of such injury:

- (d) The provisions of subsection (2) (e) of the said section shall not apply to any buildings or works (other than a dwelling-house) which the company may erect or place for the purposes of their undertaking. Provided that the company shall before they commence the construction of such buildings or works submit plans sections and specifications to the borough engineer for the reasonable approval of the Corporation:
- (e) Any dispute or difference which may arise between the company and the Corporation with reference to the provisions of this section or in anywise arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the company or the Corporation and the Arbitration Act 1889 shall apply to such arbitration.

Power to erect shops &c. in connection with town hall.

**206.** The powers of section 66 (Power to provide town hall and municipal offices) of the Improvement Act of 1882 shall be extended so as to enable the Corporation to provide erect and maintain shops offices and other accommodation and conveniences on or in connection with or as part of the town hall and municipal offices belonging to the Corporation and to let the same on lease or otherwise or any part or parts of the same for such purposes on such conditions and for such periods as they think fit.

Penalty on occupier refusing execution of Act.

**207.** 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 VIII (Streets and buildings) and Part IX (Sanitary and health 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 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. A.D. 1928.

**208.** Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall save as in this Act expressly provided 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.

**209.** 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 and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. Breach of conditions of consent of Corporation.

**210.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

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

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Service of  
summons on  
members of  
council.

**212.** 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.

Inquiries by  
Minister.

**213.**—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the said inspectors 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.

(2) The Corporation shall pay to the Minister any expenses incurred by him 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.

Inquiries by  
Minister of  
Transport.

**214.** 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 or any existing Act or Order of or applicable to the Corporation 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.”

Repeals.

**215.** The following sections and parts of sections of the following Acts are hereby repealed (that is to say) :—

The Accrington Corporation (Consolidation of Loans) Act 1890—

Section 68 (Rivers streams &c. choked up to be a nuisance under Public Health Act);

Section 72 (Paid auditors).



## The Act of 1905—

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- Section 47 (Application of tramway revenue) subsection (1) only;
- Section 82 (Continuation of existing street to be deemed new street);
- Section 90 (For preventing soil and sand from being washed into streets);
- Section 97 (Street orderly bins);
- Section 115 (For regulating manufacture and sale of ice-cream) paragraphs (a) and (b) of subsection (1) only;
- Section 133 (Sinking fund); and
- Section 137 (Power to re-borrow).

**216.** The following sections of the Act of 1905 are incorporated with this Act and shall extend and apply thereto as if those sections with all necessary modifications were re-enacted in this Act (namely):—

Incorporation of sections of Act of 1905.

- Section 152 (Confirmation of byelaws);
- Section 153 (Authentication and service of notices &c.);
- Section 154 (Powers of Act cumulative);
- Section 155 (Informations by whom to be laid);
- Section 156 (Compensation how to be determined);
- Section 157 (As to appeal);
- Section 158 (Recovery of penalties &c.);
- Section 159 (Penalties to be paid over to treasurer);
- Section 160 (Damages and charges to be settled by court);
- Section 161 (In executing works for owner Corporation not liable for damage save in case of negligence);
- Section 163 (Consent of Corporation to be in writing);
- Section 165 (Savings for indictments &c.);
- Section 167 (Audit of accounts); and
- Section 171 (Crown rights):

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Provided that the said section 152 shall not apply to byelaws made under the sections of this Act of which the marginal notes are "Byelaws as to apparatus and fittings" and "Byelaws to be subject to Tramways Act 1870."

Application  
of section  
265 of Public  
Health Act  
1875.

**217.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Judges &c.  
not dis-  
qualified.

**218.** A judge of any court or a justice shall not be disqualified from acting in the execution of any local enactment from time to time in force within the borough by reason of his being liable to any rate.

Costs of Act.

**219.** 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 general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose.

[18 & 19 GEO. 5.]

*Accrington  
Corporation Act, 1928.*

[Ch. xciv.]

The SCHEDULES referred to in the  
foregoing Act.

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THE FIRST SCHEDULE.

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LOCAL ACTS.

Session and Chapter.	Short Title.
45 & 46 Vict. c. cxviii.	The Accrington Corporation Tramways Act 1882.
45 & 46 Vict. c. clxxiii.	The Accrington Improvement Act 1882.
50 & 51 Vict. c. lvi.	- The Accrington Corporation Steam Tramways (Haslingden and Rawten-stall Extension) Act 1887.
53 & 54 Vict. c. lxiii.	- The Accrington Corporation (Consolida-tion of Loans) Act 1890.
5 Edw. 7. c. xliii.	- The Accrington Corporation Act 1905.

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THE SECOND SCHEDULE.

DESCRIPTION OF PROPERTIES OF WHICH PARTS ONLY  
MAY BE ACQUIRED.

Area.	Number on Deposited Plans.
The Borough	- - 36 37 53 to 62 65 to 68 71 to 80 83 to 93 95 97 to 113 116 to 119 122 to 139 141 to 155 164 to 166 168 175 to 184 191 193 194 197 206 209.

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