



## CHAPTER xlii.

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Worksop with regard to their electricity and water undertakings to make further and better provision for the improvement health local government and finance of the borough and for other purposes. [18th July 1933.] A.D. 1933.

**W**HEREAS the borough of Worksop in the county of Nottingham (hereinafter referred to as "the borough") is a municipal borough under the management and control of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas by the Worksop Electric Lighting Order 1899 and the Worksop Electricity (Extension) Special Order 1930 the Corporation are empowered to supply electricity for all public and private purposes within the borough and the parish of Whitwell and it is expedient to make further provision in regard to their electricity undertaking:

And whereas the Corporation are the owners of waterworks and are authorised by the Worksop Urban District Council Act 1910 to supply water in the borough and it is expedient to make further provision in regard to their water undertaking:

And whereas it is expedient that further and better provision should be made with reference to streets buildings infectious disease and sanitary matters and

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A.D. 1933. otherwise for the local government health improvement and finance of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended :

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

And whereas the objects of this Act cannot be attained without the authority of Parliament :

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Worksop Corporation Act 1933.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Electricity.

Part III.—Water.

Part IV.—Lands.

Part V.—Streets buildings sewers and drains.

Part VI.—Infectious disease and sanitary provisions.

Part VII.—Parks baths public buildings &c.

Part VIII.—Sale of coke.

Part IX.—Financial provisions.

Part X.—Miscellaneous provisions.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (so far as the

same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

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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. Interpre-  
tation.

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

“The borough” means the borough of Worksop;

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

“The council” means the council of the borough;

“The mayor” “the town clerk” “the accountant” “the medical officer” “the surveyor” and “the sanitary inspector” mean respectively the mayor the town clerk the accountant the medical officer of health the surveyor and the sanitary inspector of the borough and include respectively any person duly authorised to discharge temporarily the duties of those offices respectively;

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

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

“The electricity limits” means the limits for the time being of the Corporation for the supply of electricity;

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

“The limits of supply” means the limits for the time being of the Corporation for the supply of water;

“The Act of 1888” “the Act of 1894” and “the Act of 1929” mean respectively the Local

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- Government Act 1888 the Local Government Act 1894 and the Local Government Act 1929;
- “The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;
- “The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;
- “The Act of 1910” means the Worksop Urban District Council Act 1910;
- “The county council” means the county council of the administrative county of Nottingham;
- “The Minister” means the Minister of Health;
- “Telegraphic line” has the same meaning as in the Telegraph Act 1878;
- “Infectious disease” means (except where otherwise stated) any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;
- “Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- “Child” means a person under the age of sixteen years;
- “Food.” has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;
- “Daily penalty” means a penalty for every day on which an offence is continued by a person after conviction thereof;
- “Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or

securities transferable by delivery or any securities of the Corporation; A.D. 1933.

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

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

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

## PART II.

### ELECTRICITY.

5. The Corporation may upon the application of the owner or occupier of any premises in the electricity limits abutting on or in process of erection in any street laid out or made and whether dedicated to public use or not supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes

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

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Provided that nothing contained in this section shall apply to any street belonging to and forming the approach to any station or depot of a railway company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Power to  
construct  
electrical  
substations  
under  
streets.

6. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may (but in the case of any county road within the meaning of the Act of 1929 only with the previous consent in writing of the county council of the county in which the road is situate) construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the electricity limits substations transforming stations and other works in connection with the electricity undertaking and may in any such street provide and maintain all such means of access and approach to such substations transforming stations and works as may be necessary or convenient :

Provided that the Corporation shall not construct any such substation transforming station or work (a) in or upon any bridge carrying a street over a railway of a railway company or the approaches thereto or under any bridge carrying such a railway over a street or within fifteen feet of any portion of any abutment pier or wing wall of any such bridge or (b) in any street belonging to or repairable by a railway company and forming the approach to any station or depot of such company or (c) so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company constructed and maintained under statutory authority except with the consent in writing of the railway company.

Use for  
lighting  
purposes of  
electricity  
supplied  
for power.

7.—(1) No consumer within the electricity limits to whom electricity is supplied by the Corporation for power purposes shall without the consent in writing of the Corporation use such electricity for lighting purposes or suffer it to be so used.

Any such consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for power purposes shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rates as for the time being they may be charging for the supply of electricity for lighting purposes for all or any portion of the electricity which has been supplied to him for power purposes within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

Any court having jurisdiction to impose such penalty may and shall on the application of the Corporation decide upon what portion (if any) of such electricity the higher charge as aforesaid shall be payable to the Corporation.

(2) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

(3) In this section the expression "power purposes" includes all purposes to which electricity may be applied other than lighting purposes.

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

Provisions  
as to  
supply of  
electricity  
by agree-  
ment.

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

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

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

Agree-  
ments for  
supply of  
electricity.

9. Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person to whom the Corporation are authorised to supply electricity (other than authorised distributors) on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

As to  
maximum  
power which  
may be  
demanded.

10.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by



section 28 (Arbitration) of the Electric Lighting Act 1882. A.D. 1933.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

11. Where a separate transformer is 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 for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

As to use  
of trans-  
formers.

12. The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings Provided that such charges shall not exceed the sum of one shilling for each reading.

Charges  
for special  
readings of  
electricity  
meters.

13. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

Power to  
recover  
cost of  
cutting off  
supplies.

14. The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which there remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any installation apparatus or fitting let on hire by the

Power to  
cut off  
supplies  
where  
charges  
&c. not  
wholly  
paid.

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Corporation or supplied by them on hire purchase terms and which the Corporation are under obligation to maintain.

Byelaws  
as to  
apparatus  
and fittings.

**15.**—(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 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 or used for human habitation) belonging to and used by any railway company primarily for railway purposes.

(4) The provisions of this section shall have no application to any place or premises occupied as a factory or workshop or to which the Factory and Workshop Act 1901 applies and shall not in any way affect the operation of that Act.

Period of  
error in  
defective  
meters.

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

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

17.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall be sufficient if it be in writing signed by or on behalf of the consumer and left at or sent by post to the offices of the electricity undertaking of the Corporation.

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Notice to  
discontinue  
supply of  
electricity.

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

18. In any case in which the proper and efficient supply of electricity necessitates the substitution of a new cable or other work situate in or upon the private property of a consumer the Corporation after giving forty-eight hours' notice in writing under the hand of the town clerk to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such cable or work is laid or fixed may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of effecting such substitution repairing all damage caused by such entry or substitution.

Power of  
entry for  
substitu-  
tion of  
cables &c.

19.—(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.

Further  
powers as  
to entry  
upon  
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

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(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 any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway company for the purpose of their railway and forming part of any station or goods depot.

Supply to premises partly without electricity limits.

20. The Corporation may by agreement supply electricity to any house building or premises which or the curtilage of which is partly within and partly outside the electricity limits in the same manner as if such premises were wholly within such limits :

Provided that the Corporation shall not supply electricity under this section to any premises within the limits of any other authorised undertakers without the consent of such undertakers which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

Service of electricity demand notes.

21. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the electricity undertaking.

Protection of seals &c. belonging to Corporation.

22. The provisions of section 38 (Penalty for injuring meters) of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Corporation in any electric line within a consumer's premises or opens or suffers

to be opened any such sealed or locked receptacle meter or apparatus. A.D. 1933.

**23.** The following provisions for the protection of the Welbeck Estates Company Limited (hereinafter referred to as "the company") shall unless otherwise agreed in writing between the company and the Corporation have effect (that is to say):—

For protection of Welbeck Estates Company Limited.

For the purposes of the section of this Act of which the marginal note is "Power to construct electrical substations under streets" the provisions of section 33 (For the protection of mines) of the Electric Lighting Act 1882 shall be read and have effect in its application to the Corporation as if the expression "electric line" therein referred to included "substations transforming stations" and other works in connection with the electricity "undertaking."

**24.**—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

Receipts and expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

### PART III.

#### WATER.

**25.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may construct lay down or erect for the purposes of the water undertaking:

Application of Waterworks Clauses Act 1847.

Provided that the Corporation shall not lay down any such discharge pipes telephone or telegraph posts wires

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Provided also that any telephone or telegraph posts wires conductors or apparatus constructed laid down or erected under the provisions of this section shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be constructed maintained or used in such manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Discharge of water into streams.

26.—(1) For the purpose of executing constructing enlarging extending altering repairing cleansing emptying or examining any reservoir tank aqueduct line of pipes or other work for the time being belonging to the Corporation the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch Provided that any water so discharged shall be as free as may be reasonably practicable from mud or soil or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the section of this Act whereof the marginal note is " Arbitration."

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the railways or works of any railway company.

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

27. Any water rate payable to the Corporation may be collected together with the general rate and the same books may be used for the said rates.

Dates for payment of water rates.

28.—(1) Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Corporation may demand all rates rents and charges payable to them for the supply of water by half-yearly instalments in advance

on the first day of April and the first day of October in A.D. 1933.  
each year :

Provided that such rates rents and charges shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

(2) Every person liable to the payment of such rate or charge who shall remove from the premises in respect of which the rate is paid during any part of the period for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he quits the said premises and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Corporation.

(3) Every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

**29.** When the water of the Corporation supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes on premises where horses carriages or motor cars are kept for private use the Corporation may if a hose-pipe or other similar apparatus is used charge (except where the water so used is taken by measure) such additional sum not exceeding twenty-five shillings per annum (and where more motor cars than one are ordinarily kept such further sum not exceeding ten shillings per annum for each motor car beyond the first) as the Corporation may prescribe and any sum charged under the provisions of this section shall be recoverable in all respects with and as water rates.

Supply of water by hose-pipe to stables &c.

**30.** Where a person who takes a supply of water from the Corporation for any purpose desires to use the water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water (other than apparatus for the purpose of softening water to be used for domestic purposes) the

Charges for supplies for refrigerating apparatus.

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(a) be taken by measure on the conditions and at the rates for the time being in force for the supply of water by measure and if the person only takes a supply for domestic purposes the minimum quarterly charge for the water so taken by measure shall be ten shillings; or

(b) be paid for at such rates as may be agreed between the person and the Corporation.

Special  
terms for  
supplies to  
caravans  
shacks &c.

**31.**—(1) Notwithstanding anything in this or in any other Act or any Order relating to the Corporation contained a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by measure and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

Cisterns.

**32.** The Corporation may require that dwelling-houses erected after the passing of this Act at a higher level than fifty feet below the service reservoir or tank from which they are supplied with water shall be provided with cisterns holding twenty-four hours' supply and the Corporation shall not be bound to supply such houses with water until such cisterns are provided.



**33.**—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purposes of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop up break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus.

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Meters in streets to measure water or detect waste.

(2) Provided that the Corporation shall not 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.

(3) Provided also that the Corporation shall not exercise the powers of this section in respect of any street or apparatus belonging to or maintainable by a railway company without the consent of that company but such consent shall not be unreasonably withheld.

**34.** In the case of all new buildings erected after the passing of this Act within the limits of supply and connected with the mains of the Corporation the Corporation may in cases where the communication pipes are laid by the owner or by the Corporation at his request require the owner at the time when the pipes are laid to insert or to have inserted a stop-cock in the communication or service pipe from the said premises in some position as near as is reasonably possible to the main of the Corporation from which the supply is given to the said premises and if such owner make default the Corporation may insert a stop-cock in such communication or service pipe and recover the expense from the owner as a civil debt.

Stop-cocks to be fitted in communication pipes.

**35.**—(1) The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Separate communication pipes may be required.

(2) If the owner of any house supplied with water by the Corporation when so required in pursuance of

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the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Corporation may themselves do the work necessary in that behalf and may recover from such owner summarily as a civil debt the cost incurred by them in so doing.

(3) Section 24 of the Act of 1910 is hereby repealed.

Corporation  
to connect  
communi-  
cation pipes  
with mains.

**36.** Notwithstanding anything contained in any Act or Order relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication pipe therewith and the Corporation shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Power to  
Corporation  
to repair  
communi-  
cation pipes.

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

(2) Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they

shall have given to the occupier of such house or premises and (in any case where the communication pipe is repairable by the owner of such house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter. A.D. 1933.

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

**39.—**(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. Opening of ground by person liable to maintain pipes &c.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made.

**40.—**(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation. As to register of meters.

(2) Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party to a court of summary

[Ch. xlii.] *Worksop Corporation* [23 & 24 GEO. 5.]  
Act, 1933.

A.D. 1933.

jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(3) If any meter or other instrument for measuring water used by a consumer of water be proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

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

Penalty  
for closing  
valves &c.

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

Penalty for  
opening  
valves &c.

42. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of the supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Extension  
of power to  
inspect  
premises.

43. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Corporation may at all reasonable times between the hour of four o'clock in the afternoon and one

hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

A.D. 1933.

44. The Corporation may agree with the owner or occupier of any premises within the limits of supply who is not entitled to demand a supply of water from the Corporation to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates or rents are recoverable by them.

Agreements as to supply of water in certain cases.

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

Supply to houses partly used for trade &c.

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

(b) any mental or other hospital (whether public or private) sanatorium school club hotel public-house restaurant inn or common lodging-house; or

(c) any boarding-house or public institution habitually occupied by at least twelve persons.

(2) The amount to be paid under the provisions of this section exclusive of meter rent shall not in any one quarter be less than the sum which would have been payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

(3) Section 28 of the Act of 1910 is hereby repealed.

46.—(1) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by

As to supply to farm-houses.

[Ch. xlii.] *Worksop Corporation* [23 & 24 GEO. 5.]  
*Act, 1933.*

A.D. 1933. meter but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate.

(2) If the owner or occupier of any farm premises within the limits of supply desires a supply of water for farming purposes and lays the necessary communication pipe from such premises to a main of the Corporation the Corporation shall supply to such owner or occupier by meter such quantity of water as the owner or occupier may from time to time reasonably require for such farming purposes. Provided that the Corporation shall not be required to supply water under this section at a pressure greater than that to be afforded by gravitation from the reservoir from which such water is supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply.

Power to  
remove  
meters and  
fittings.

47. The Corporation by their agents or workmen after forty-eight hours' notice in writing under the hand of their engineer or some other officer of the Corporation to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Fittings to  
be remove-  
able by  
Corporation  
though  
fixed to soil.

48. Subject to the proviso to subsection (2) of section 32 of the Act of 1910 all fittings let for hire by the Corporation shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removeable by the Corporation :

Provided that nothing in this section shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

49. The Corporation may enter into and carry into effect agreements with any local authority body company or person for the supply of water beyond the limits of supply to any such authority body company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

A.D. 1933.

—  
Contracts  
for supply-  
ing water in  
bulk.

Provided that such supply shall not be given except with the consent of any authority body company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water within the limits of supply :

Provided also that except with the previous consent in writing of the county council no agreement shall be made in pursuance of this section for the supply of water for use outside the administrative county of Nottingham and no water supplied in pursuance of this section shall be used elsewhere than within such administrative county without such previous consent as aforesaid.

50. The Corporation may enter into and carry into effect agreements with any local authority body company or person supplying water under parliamentary authority and with the approval of the Minister in the case of any water intended for domestic consumption with any other local authority body company or person for the purchase of water in bulk by the Corporation for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Corporation for the purposes of the undertaking.

Purchase  
of water in  
bulk.

#### PART IV.

#### LANDS.

51.—(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 that 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

Further  
powers for  
acquisition  
of lands.

[Ch. xlii.] *Worksop Corporation* [23 & 24 GEO. 5.]  
Act, 1933.

A. D. 1933. — 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.

(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.

Retention  
and disposal  
of lands.

52.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain and hold and use for such time and for such purpose 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 interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange



or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that the Corporation shall not without the consent of the Minister 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.

**53.**—(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 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 the lands as aforesaid.

Powers  
with  
reference  
to leases  
of lands.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such

A.D. 1933. — 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 :

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.

Power to  
develop  
lands &c.

54.—(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.) :—

(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;

(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 contravention of or in any manner which infringes any then existing legal right of any owner lessee or occupier of adjoining lands or any covenant or restriction affecting any lands with reference to which the powers of this section are exercised or proposed to be exercised and to the benefit of which any such owner lessee or occupier or any other person is entitled; 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.

(5) 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.

(6) Nothing in this section shall alter or affect the operation of section 80 of the Law of Property Act 1925.

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

Dwelling-houses for persons in Corporation's employment.

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

(3) Nothing in this section shall alter or affect the operation of section 80 of the Law of Property Act 1925.

**56.**—(1) 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

Proceeds of sale of surplus lands.

[Ch. xlii.] *Worksop Corporation* [23 & 24 GEO. 5.]  
Act, 1933.

A.D. 1933.

re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall subject to the provisions of the section of this Act of which the marginal note is "Consolidated loans fund" apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act 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.

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

Purchase of  
lands for  
exchange.

57. 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 lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of any local Act or Order relating to the Corporation.

Power to  
reinstate  
owners of  
property.

58. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of any local Act or Order relating to the Corporation or which may be in the neighbourhood of any street improvement authorised by any such Act with respect to the reinstatement of 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.

Saving  
for town  
planning  
schemes.

59. Nothing in this Part of this Act shall authorise the Corporation to act in contravention of the provisions of any town planning scheme for the time being in force in the borough.

PART V.

A.D. 1933.

STREETS BUILDINGS SEWERS AND DRAINS.

60.—(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 in the borough 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 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-  
mentscheme  
may be  
required in  
connection  
with new  
streets.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) 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 liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The said owner or any person claiming through or under him may at any time submit to the Corporation for their approval any alteration in the said plans and particulars or any substituted plans and particulars showing such general scheme as aforesaid and the Corporation may if they think fit approve such alteration or substituted plans and particulars.

(5) (a) Any person aggrieved by any requirement of or by the Corporation under this section or by any

A.D. 1933. — 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 or of the intimation to him by the Corporation of such refusal 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 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.

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

Adjust-  
ment of  
boundaries  
of streets.

**61.**—(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 :

Provided that there shall be excepted from any land so given up or of which the Corporation are to be deemed under and for the purposes of this section to be the owners so much of the subsoil of such land (with all mines and minerals therein) as lies at a greater depth than three hundred feet from the surface of the ground.

(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. 1933.

(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—

(a) 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;

(b) the Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines and other apparatus belonging to or used by them which remain 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 the Central Electricity Board deem it necessary to alter the position of any such electric lines or other apparatus they shall be at liberty so to do and the expenses incurred by them in so doing shall be paid to them by the Corporation.

A.D. 1933.

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Adjust-  
ment of  
boundaries  
of estates.

62.—(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 (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) within the borough 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 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 estate 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.

A.D. 1933.  
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(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.

**63.**—(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 of the Public Health Act 1925 or by section 39 of the Act of 1910 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 to the contrary enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement but any such requirement shall not have any force or effect as respects any building or erection not in the occupation of the owner of which he is prevented by any statutory provision for the time being in force from recovering possession.

(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 requirement.

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A.D. 1933.

(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 enforceable by the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(6) As soon as section 33 of the Public Health Act 1925 comes into force in the borough section 39 of the Act of 1910 shall be repealed.

Rounding  
off of  
corners at  
street  
junctions.

**64.** The powers conferred upon the Corporation by section 17 of the Public Health Acts Amendment Act 1907 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions contained in that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius not being less than twenty feet as may be determined by the Corporation.

Frontage  
line in new  
streets.

**65.—**(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 from time to time 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.

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(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.

(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

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(8) Any person 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.

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

As to new streets.

**66.**—(1) Any person who lays out a new street or part of a new street in the borough shall if required by the Corporation so to do construct the carriageway and footway of such new street or part of a new street with a sufficient and solid foundation of suitable material to the approval of the Corporation. Provided that the execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892.

(2) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds.

(3) The provisions of this section shall not apply to any new street laid out by a railway company for the purpose of providing access to any station or depot of such company.

As to termination of new streets.

**67.**—(1) The Corporation may on the deposit of a plan and sections of a new street in pursuance of any bye-law in force in the borough by order prohibit the erection or retention on land belonging to the owner of the land upon which such new street is proposed to be constructed or laid out of any wall or fence at either end of such new street in order to secure means of communication between such new street or any other street or intended street or for the purpose of securing an adequate opening at either end of the new street:

Provided that the Corporation shall not prohibit the erection or retention of any such wall or fence until the streets on both sides of such wall or fence shall become highways repairable by the inhabitants at large.

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(2) If any person acts in contravention of any order made by the Corporation under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

68. The Corporation may make byelaws to prevent streets which have been laid out or constructed in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so laid out or constructed they would have contravened the byelaws.

Byelaws as to alteration of streets.

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

Byelaws as to intersecting streets.

70.—(1) Where the owner or occupier of any premises fronting or abutting on any street in the borough repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically-propelled vehicle other than a motor-cycle in passing to and from such premises the Corporation may either—

Crossings for horses or vehicles over footways.

(a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier in a summary manner as a civil debt.

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(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically-propelled vehicle other than a motor-cycle subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of the said condition shall be liable to a penalty not exceeding five pounds.

(4) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

As to  
pavement  
lights.

71.—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street in the borough any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing of the Corporation.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

Banners  
and signs  
over streets.

72.—(1) (a) If any banner streamer sign or lettering shall after the passing of this Act be suspended across the carriageway of any street in the borough without the permission in writing of the Corporation the owner of or person responsible for the suspension of such banner streamer sign or lettering shall be liable to a penalty not exceeding twenty shillings and shall forthwith (upon receiving notice in writing from the Corporation requiring him so to do) remove the banner streamer sign or lettering.

(b) The permission of the Corporation under this section shall not be withheld except on the ground that the banner streamer sign or lettering would be a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the street across or over which it is suspended and such permission may be given subject to such terms and conditions as the Corporation may think fit.

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(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend the same or any similar banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Corporation may themselves remove any such banner streamer sign or lettering and any expense incurred by them in so doing may be recovered by them summarily as a civil debt from such person.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering as is referred to in subsection (1) hereof which was in use on the first day of November nineteen hundred and thirty-two.

(4) Any person aggrieved by any requirement of or the withholding of any permission by the Corporation under this section or by any condition attached to any such permission may within fourteen days from the date of such requirement or the intimation to him of such withholding or of the attaching of such condition 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. Notice of the right of appeal shall be endorsed on every notice or intimation of the Corporation under this section.

(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.

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

Power to determine width of carriage-ways and footways.

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Provided also that whenever the Corporation in the exercise of the powers of this section shall add to the carriageway of a street any portion of the footway in which there are any works or apparatus of the Central Electricity Board that board may and shall if so required by the Corporation alter the position of the apparatus to such a depth below the surface of the carriageway or to such other position as may be reasonable and the Corporation shall repay to the board the reasonable expenses of and in connection with such alteration of depth and position :

Provided further that the powers of this section shall not be exercised in respect of any county road within the meaning of the Act of 1929 except with the previous consent in writing of the county council.

Power to  
place fences  
near school  
entrances.

74. The Corporation may from time to time place repair renew and maintain fences rails and posts on the sides of any footways or carriageways adjacent to the entrances to or exits from any schools within the borough for the purpose of preventing danger from traffic along such carriageways to children going to or coming from such schools and to remove the same when the Corporation shall think fit.

Direction  
signs.

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

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty



not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

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(4) In the exercise of the powers conferred by this section the Corporation shall be subject to any regulations or orders made by the Minister of Transport or any general or special directions given by such Minister with respect to traffic signs and signals in pursuance of the Road Traffic Act 1930.

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

Fire-plugs.

**77.** The Corporation may with the consent of the highway 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 and maintain 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 :

Fire  
alarms.

Provided also that the Corporation shall not under the powers of this section except with the consent in writing of the railway company concerned erect or fix any fire alarm (a) in or upon any bridge carrying a street over a railway or the approaches thereto or under any bridge carrying a railway over a street or (b) in any street belonging to and repairable by and forming the approach to any station or depot of a railway company or (c) so as to obstruct the access to or exit from any station or depot of a railway company constructed and maintained under statutory authority but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Minister of Transport and otherwise subject to the provisions of the Arbitration Act 1889.

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Streets  
broken up to  
be rein-  
stated.

**78.**—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up.

(2) Any person offending against the provisions of this section shall be liable to a penalty of five pounds and to a daily penalty of forty shillings.

Fencing of  
forecourts.

**79.**—(1) In any case in which the forecourt of any premises adjoining a street is a source of danger obstruction or inconvenience to the public or in which any steps or projection are or is placed in any such forecourt or any goods are placed therein whether for sale or not the Corporation may require the owner of the premises well and sufficiently to fence such forecourt from the street.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to urgent  
repairs of  
private  
streets.

**80.** Where in the opinion of the Corporation repairs the cost of which will not exceed five pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect any statutory provisions for the time being in force relating to private street works and private improvement expenses or similar matters or of section 19 (As to urgent repairs of private streets) of the Public Health Acts Amendment Act 1907.

Planting of  
trees in  
private  
streets.

**81.** The Corporation when carrying out any private street works may with the consent in writing of the greater part in rateable value of the owners of the houses or land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do anything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Corporation under this section

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shall be deemed part of the expenses of carrying out the private street works in any such street. Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street :

Provided also that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the Corporation shall be deemed to be the undertakers.

**82.—(1) (a)** No wall fence hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the road or street shall be erected or brought forward on any land in any street within the borough—

As to  
hoardings  
and similar  
structures.

- (i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

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

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened

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the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

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

Restric-  
tions on  
advertise-  
ment  
hoardings.

**83.**—(1) For the purpose of preserving the amenities of the borough it is hereby enacted that it shall not be lawful after the passing of this Act to erect in or within twelve feet of any street in the borough any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine.

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

(3) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions

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attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal 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.

(4) The consent of the Corporation under this section shall not be required for a hoarding or similar structure erected within any railway station or upon any property of a railway company except in so far as such hoarding or similar structure fronts upon a public street.

84. The Corporation may by notice in writing require the owner of or other person using any hoarding wall or similar structure in the borough for advertising purposes to maintain the same and any advertising matter thereon in good order and condition and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from the owner any expense incurred by them in so doing.

Repair of  
hoardings.

85.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street in the borough the person proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall or fence proposed so to be placed or erected.

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

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

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a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

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

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

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

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

As to erection of retaining walls.

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

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

(3) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter

be acquired by a railway company or to any retaining wall erected thereon. A.D. 1933.

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

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

(3) The provisions of this section shall not apply to any person who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

**88.**—(1) If the Corporation shall by resolution determine that any stall structure or other erection on which goods are exposed in any forecourt within the borough is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period not being less than seven days as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street. Provisions as to forecourts.

(2) Any person neglecting or refusing to comply with the requirements of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by any requirement of any notice of the Corporation under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Corporation 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

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power to make such order as the court may think fit and to award costs. Notice of the right to appeal shall be endorsed upon every such notice served by the Corporation.

Erection of buildings to greater height than adjoining building.

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

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

As to dangerous buildings.

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

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



91.—(1) The Corporation may by order prohibit or restrict the erection of buildings intended or adapted for use as dwelling-houses on any land within the borough which—

(a) is liable to flooding; or

(b) is unsuitable for buildings of that class by reason of the nature of the subsoil.

(2) Before any order made under this section shall come into force the Corporation shall submit the same to the Minister for his approval and shall give notice of the proposals of the order by advertisement in a local newspaper circulating in the borough and in the London Gazette and in such other manner (if any) as the Minister may direct. The said notice shall name a place where copies of the order 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 order may make representations thereon to the Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

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

(4) Before approving any order the 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 under the provisions of this Act.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed order 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 order shall take effect as approved by the Minister and shall come into force on a date to be fixed by him.

(7) The Corporation shall cause notice to be given of any order made under this section by advertisement in a

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Prohibition  
of use of  
unsuitable  
land for  
erection of  
dwelling-  
houses.

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(8) Any person who shall fail to comply with an order of the Corporation which has been approved with or without modification by the Minister shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(9) (a) If in consequence of the execution of works of drainage or from any other cause any land to which an order made under this section relates shall after the making of that order cease to be liable to flooding the Corporation may and if reasonably so required in writing by the owner of the land shall revoke the order and as from the date of such revocation the order shall not have any force or effect.

(b) If any difference shall arise between the Corporation and the owner of any land as to whether such land has or has not ceased to be liable to flooding such difference shall on the application of either party be determined by the Minister and the determination of the Minister shall be binding on the Corporation and such owner.

Byelaws as to alterations of buildings.

**92.** The power given by subsection (4) of section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission of such plans and sections as can be required in relation to the erection of a new building.

Extension of section 157 of Public Health Act 1875.

**93.** (1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to—

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

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- (iv) the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;
- (v) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;
- (vi) the testing of drains of new buildings;
- (vii) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost and preventing the improper use of such closets and of the blocking of the pipes therefrom;
- (viii) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;
- (ix) for ensuring that any hole made through the wall of a building below the level of the ground shall be so stopped as to prevent the free passage of gas into the building;
- (x) for securing that any geyser or similar gas-heated water apparatus of the rapid water-heating type or any gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated.

(2) Any byelaws made under paragraphs (vii) and (x) of subsection (1) of this section or under the said section 157 with respect to the matters mentioned in the said paragraph (vii) and to the ventilation of a room in which any apparatus of the kind specified in paragraph (x) of that subsection is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157.

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Further  
power to  
make bye-  
laws as to  
new  
buildings.

94.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that a person intending to erect a new building shall furnish the Corporation with drawings or other sufficient indication of the design or external appearance of the building including such indication of the materials to be used in its construction as may be necessary for the purpose.

(2) Where specifications are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the submission to them of the specifications by notice in writing—

- (a) approve the specifications; or
- (b) if they shall consider that having regard to the character of the locality and of the neighbouring buildings the building to which the specifications relate would seriously disfigure the neighbourhood on account of its height design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds of the disapproval.

(3) Where by reason of any improvement made by the Corporation any land shall become land which adjoins or abuts on any street no owner lessee or occupier shall construct on any such land—

- (a) any door or entrance in an existing building communicating with that street; or
- (b) any wall or fence by the side of that street;

except in such position and in accordance with such elevations as may be approved by the Corporation.

(4) Any person deeming himself aggrieved by any disapproval by the Corporation under subsections (2) and (3) of this section may appeal against their decision to a court of summary jurisdiction and the court shall have power to make such order as the court may think fit and to award costs. The grounds on which a person may appeal against the Corporation's decision under subsection (2) shall include the ground that compliance with the Corporation's decision would involve an increase in

the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

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(5) Where the specifications of a building have been disapproved under this section it shall not be lawful to erect the building until the specifications thereof have been approved by the Corporation and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**95.** Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "space about buildings" had been inserted therein before the words "drainage of buildings" in subsection (2) of that section. Provided that no byelaw with respect to the space about buildings shall be made as to affect buildings erected before the times mentioned in section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 unless such buildings or the curtilage thereof shall be altered after the making of such byelaw.

As to restriction of air space.

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

Means of escape from buildings in case of fire.

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

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

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

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

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

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

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

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

**97.** It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation upon a report by the medical officer or sanitary inspector that any smoke gas or vapour from any chimney of a washhouse boiler house or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas or vapour or such other means to be adopted as may seem fitting to such court and as shall not involve an expenditure of exceeding ten pounds for preventing or mitigating such nuisance within such time as shall be specified in such order and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to order alteration of chimneys.

**98.—**(1) Every chimney erected after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any building used for manufacturing or other purposes shall within such time as may be specified in that behalf in a notice in writing given by the Corporation to the owner of such chimney be raised by such owner to such height measured from the level of the centre of the street nearest thereto as the Corporation shall by such notice reasonably require having regard to the use of such

Height of chimneys.

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chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Corporation may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement.

(2) Any person who shall fail to comply with any requirement of the Corporation under this section within the time specified in that behalf in the notice of such requirement shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Means of  
ingress to  
and egress  
from large  
shops de-  
partmental  
stores and  
clubs.

99.—(1) The provisions of section 36 of the Public Health Acts Amendment Act 1890 shall extend and apply to—

- (a) shops departmental stores and warehouses to which the public are admitted and where more than twenty persons are employed; and
- (b) any club registered under the provisions of section 91 (Obligation to register clubs) of the Licensing (Consolidation) Act 1910 in the borough whether existing before or after the passing of this Act.

(2) The provisions of the said section 36 shall be read and construed so as to provide that in such premises as aforesaid portable first-aid fire appliances must be installed to the satisfaction of the Corporation:

Provided that in the application of the provisions of the said section 36 to any club the said section shall be read and have effect as if the words "for the use of the public" were omitted from subsection (1) thereof.

(3) This section shall not apply to any premises to which sections 14 and 15 of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

(4) Any person aggrieved by a requirement of the Corporation under the said section 36 in its application in pursuance of the provisions of this section to any such premises as are referred to in paragraph (a) or paragraph (b) of subsection (1) of this section may within



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fourteen days after the date on which the Corporation give notice of their requirement to such person 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 fit and may award costs Provided that such person shall give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk.

(5) Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section.

(6) For the purposes of this section section 7 of the Public Health Acts Amendment Act 1890 shall not apply.

**100.**—(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 such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Food  
storage  
accommo-  
dation.

(2) (a) Every existing dwelling-house and every dwelling-house within the borough the erection of which was commenced before the passing of this Act shall where reasonably practicable 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 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 ground 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.

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—  
Area of  
habitable  
rooms.

**101.** Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Further  
provisions  
as to  
working-  
class  
houses.

**102.**—(1) For the purposes of Part II of the Housing Act 1930 any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Corporation under the said Part II shall apply in respect of such dwelling-house accordingly.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Corporation have served notice under section 17 of the Housing Act 1930 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

- (a) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;
- (b) the period for which the dwelling-house is likely to continue occupied;
- (c) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house.

Cellars  
not to be  
constructed  
below sub-  
soil water  
level.

**103.**—(1) The Corporation may prohibit the construction in or in connection with any dwelling-house within the borough of any cellar or room the floor level of which shall be lower than the ordinary level of the subsoil water on under or adjacent to the land on which such dwelling-house shall be erected.

(2) Any person offending against any prohibition of the Corporation under the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

104.—(1) Where plans and sections of a new street have been deposited with and approved by the Corporation no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for such person except with such consent to erect the building or any fence nearer to the centre of the street than the posts or other marks by which the width of the street has been defined.

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—  
No building  
allowed  
until street  
defined.

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

(3) Section 38 of the Act of 1910 is hereby repealed.

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

Attach-  
ment of  
lighting  
brackets  
and wires  
to buildings.

Provided that—

(a) where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid ;

(b) any consent of any owner and an order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be required to be removed until the expiration of three

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months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section;

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

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

Removal  
of dilapi-  
dated and  
neglected  
buildings.

**106.**—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option to take down or repair or rebuild such building (in this section referred to as "neglected structure") or any part thereof or otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

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

(3) Where the Corporation in the execution of any such order under the provisions of subsection (2) of this section take down a neglected structure or any part thereof the Corporation may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

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

**107.** In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Powers on inspection.

**108.** The power of the Corporation to make bye-laws with respect to secondary means of access under section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect within the borough fronting a street or intended street terraces or other continuous blocks of houses not giving access through their own grounds to the backs of such houses to make and construct a back road and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws.

Byelaws as to secondary means of access.

**109.**—(1) The owner of two or more sanitary conveniences within the borough provided for or in connection with two or more separate dwelling-houses and used in common by the occupiers of such dwelling-houses shall so far as reasonably practicable allot such

Sanitary conveniences used in common.

[Ch. xlii.] *Worksop Corporation* [23 & 24 GEO. 5.]  
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A.D. 1933. sanitary conveniences to the occupiers of particular dwelling-houses so as to insure that the same are allocated proportionately (as nearly as may be) amongst such dwelling-houses.

(2) The owner of any such sanitary conveniences shall cause to be affixed to the door or walls of each such sanitary convenience a notice identifying the dwelling-house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Houses  
connected  
with single  
private  
drain.

**110.**—(1) Where two or more houses or premises within the borough are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 (Extension of 38 & 39 Vict. c. 55 s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

(4) Section 46 of the Act of 1910 is hereby repealed.

Improper  
construc-  
tion or repair  
of water-  
closet or  
drain.

**111.**—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could

not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

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

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

As to  
defective  
drains &c.

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

113. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by

As to  
repair of  
drains.

[Ch. xlii.] *Worksop Corporation* [23 & 24 GEO. 5.]  
Act, 1933.

A.D. 1933. — them from the owner or owners of such drain in such proportions as the surveyor shall determine :

Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if the Corporation think fit.

Separate  
sewers for  
sewage and  
surface  
water.

114.—(1) Where under the provisions of any local or general Act the Corporation have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction or in any case in which a plan of an intended new street or of the intended widening or adaptation of a road footpath or way so as to form a new street is submitted to the Corporation for their approval they may require the provision in such street or new street of separate sewers for the reception of surface water and of sewage respectively.

(2) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers.

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

(4) In the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof would but for the passing of this Act have been sufficient effectually to drain such house or premises the Corporation shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and no penalty shall be incurred under this section in the case of such house or premises until the completion of such alterations as aforesaid.

Extension  
of section  
39 of Public  
Health Act  
1925.

115. Section 39 of the Public Health Act 1925 in its application to the borough shall extend and apply to the repair of any such drain as is referred to in that section in like manner as it applies to the reconstruction or the alteration of the course of such drains.



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

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Sanitary conveniences for workmen engaged on buildings.

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

**117.** All drawings plans elevations sections specifications and written particulars descriptions or details required to be deposited with the Corporation or any officer of the Corporation by any enactment for the time being in force in the borough or any byelaws thereunder shall be deposited in duplicate and the Corporation may retain one of the copies so deposited.

As to plans deposited with Corporation.

**118.**—(1) Section 11 (Byelaws as to petroleum filling stations) of the Petroleum (Consolidation) Act 1928 in its application to the borough shall be extended so as to empower the Corporation to make byelaws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street.

Regulation of petroleum filling stations.

(2) After the commencement of this Act no petroleum filling station shall without the consent of the Corporation be erected on any land in the borough so as to be adjacent to any street or so that any carriageway forming part of the station communicates directly with any street but the Corporation shall not refuse to give such consent as aforesaid except for the purpose of preventing obstruction to traffic.

(3) Any person aggrieved by the refusal of the Corporation to give their consent under subsection (2) of this section may within fourteen days after the refusal has been communicated to him appeal to a petty sessional court and the provisions of section 8 of the Public Health Act 1925 shall apply with respect to any such appeal as they apply with respect to appeals under that Act.

(4) If any person erects or permits to be erected any petroleum filling station in contravention of the provisions

[Ch. xlii.] *Workshop Corporation* [23 & 24 GEO. 5.]  
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A.D. 1933. — of subsection (2) of this section he shall without prejudice to any other proceedings which may be taken against him be guilty of an offence and shall be liable on summary conviction thereof to a penalty not exceeding five pounds and any person so convicted shall within such time as the court may allow do all such things as may be necessary to remove any petroleum filling station erected in contravention of this section and if he fails to do so he shall be deemed to commit a continuing offence and shall be liable on summary conviction thereof to a daily penalty not exceeding forty shillings.

(5) In this section the expression "petroleum filling station" has the same meaning as in the Petroleum (Consolidation) Act 1928.

Power to  
construct  
inspection  
chambers  
in manu-  
facturing  
premises.

**119.**—(1) The Corporation shall in their discretion have the power of constructing within any manufacturing premises (but outside any building forming part thereof) at the cost of the Corporation and without any liability on their part for compensation in respect thereof an inspection chamber or chambers accessible to the officers of the Corporation at all times for the purpose of ascertaining the nature of the discharge from such premises into the sewers of the Corporation :

Provided that nothing in this section shall apply to any premises belonging to a canal company and used by such company as a part of or in connection with their undertaking under any Act of Parliament.

(2) Any such inspection chamber shall be in such position as may be agreed between the Corporation and the owner of the said premises or failing agreement as may be determined by an engineer 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 determination.

As to powers  
of requiring  
sanitary con-  
veniences  
for manu-  
factories &c.

**120.** The Corporation may exercise the powers of an urban authority under section 22 of the Public Health Acts Amendment Act 1890 (which relates to the provision of sanitary conveniences in workshops and manufactories) on the report of the medical officer or the sanitary inspector as well as on the report of the surveyor.

- 121.** Nothing contained in this Part of this Act except the sections whereof the marginal notes are—
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—  
Saving for London and North Eastern Railway Company.
- “ Crossings for horses or vehicles over footways ”;
  - “ Power to place fences near school entrances ”;
  - “ Fire-plugs ”;
  - “ Streets broken up to be reinstated ”;
  - “ Fencing of forecourts ”;
  - “ Prohibition of use of unsuitable land for erection of dwelling-houses ”;
  - “ Means of escape from buildings in case of fire ”;
  - “ Means of ingress to and egress from large shops departmental stores and clubs ”;
  - “ Food storage accommodation ”;
  - “ Further provisions as to working-class houses ”;
  - “ Cellars not to be constructed below subsoil water level ”;
  - “ Powers on inspection ”;
  - “ Sanitary conveniences used in common ”;
  - “ Houses connected with single private drain ”;
  - “ Improper construction or repair of watercloset or drain ”;
  - “ As to plans deposited with Corporation ”;
  - “ As to powers of requiring sanitary conveniences for manufactories &c.”;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or land is used or held by the said railway company primarily for railway purposes.

## PART VI.

### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

- 122.** For the purposes of the sections of this Act of which the marginal notes are “ Parents to notify infectious disease ” “ Power to close Sunday schools and exclude children from entertainments ” and “ Restriction on
- Definition for purposes of this Part of Act.

A.D. 1933. "attendance of children at Sunday schools and places of  
"assembly when infectious disease prevails" respectively  
the expression "infectious disease" includes measles  
german measles whooping cough chicken pox scabies  
ringworm and influenza in addition to the infectious  
diseases referred to in the section of this Act of which the  
marginal note is "Interpretation."

Parents to  
notify  
infectious  
disease.

**123.**—(1) Any person being a parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) For the purpose of this section the expression "school" shall include a Sunday school.

Power to  
close  
Sunday  
schools and  
exclude  
children  
from enter-  
tainments.

**124.**—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or any department thereof within the borough or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

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

**125.**—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof within the borough which for the time being is closed by order of the Corporation or of the Nottinghamshire County Council or of the education committee thereof with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

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

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

Informa-  
tion to be  
furnished  
in case of  
infectious  
disease.

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

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889 and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

[Ch. xlii.] *Workshop Corporation* [23 & 24 GEO. 5.]  
Act, 1933.

A.D. 1933.

Names of  
laundry-  
men to be  
furnished.

**127.**—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundrymen to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

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

Disinfect-  
ion in case  
of tubercu-  
losis.

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

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

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

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

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner or person in possession of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the person from whom they were taken free of charge.

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

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

Prohibition  
on infected  
person  
carrying on  
business.

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Removal of  
body of  
person  
dying of  
infectious  
disease.

**130.** When any person suffering from infectious disease shall die within the borough of such disease the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding two pounds.

Registra-  
tion of ice  
cream  
manufac-  
turers and  
premises.**131.—(1)—**

- (a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough; and
- (b) Any premises within the borough used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity; shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall within the borough carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises within the borough shall be used for the purposes aforesaid unless they be so registered.

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

(4) The provisions of this section shall have no application to any premises occupied as a factory or workshop respecting which notice is required by subsection (1) of section 127 of the *Factory and Workshop*



Act 1901 to be given and shall not in any way affect the operation of that Act. A.D. 1933.

(5) The provisions of this section shall not apply to theatres music halls or cinemas or to premises used as a club hotel restaurant or as railway refreshment rooms.

**132.**—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the borough omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

For regulat-  
ing manu-  
facture and  
sale of ice-  
cream &c.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the said premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises

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cart barrow or other vehicle stand pail container or receptacle or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

(4) The provisions of this section shall not apply to theatres music halls or cinemas.

(5) Sections 48 and 49 of the Act of 1910 are hereby repealed.

Byelaws as to transport of food.

**133.**—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of any article intended to be sold for food.

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

Registration of premises used for preparation of potted and preserved foods.

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

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

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

(4) In the case of meat or fish the word "preserved" in subsection (1) of this section includes preparation

by any process of cooking but this section shall not apply to hotels restaurants or other premises where food is in the ordinary course of business prepared for consumption on the premises. A.D. 1933.

**135.**—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the occupier of such room or his agent his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the public analyst.

As to inspection of premises used for storage of food.

(2) The expression “public analyst” in this section means the analyst appointed by the Corporation in pursuance of section 15 of the Food and Drugs (Adulteration) Act 1928.

**136.**—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 (Extension of 38 & 39 Vict. c. 55 ss. 116–119) of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the said section 117 unless he proves that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition.

Penalty on original vendor of unsound food.

A.D. 1933.

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

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

Further powers in relation to unsound food.

**137.** Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly :

Provided that nothing in this section shall authorise the inspection examination or search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or of any basket sack bag or parcel in the possession of such company as carriers thereof.

As to filthy premises.

**138.**—(1) If the owner of any dwelling-house or premises occupied therewith within the borough represents to the Corporation that the occupier of such

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

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

**139.**—(1) The Corporation may by notice in writing require the owner or occupier of any premises within the time specified in the notice not being less than twenty-eight days—

Power to  
require  
provision  
of portable  
ashbins.

(a) to provide portable receptacles for refuse of such number size and material as may be prescribed by the notice in substitution for any ashpit or other fixed or movable receptacle for refuse which is in use at the date of the notice; and

(b) to remove or to fill in to the satisfaction of the Corporation any fixed ashpit for which a portable receptacle will be substituted.

(2) Where by a notice under subsection (1) of this section the Corporation require a portable receptacle for refuse to be provided in substitution for an ashpit or other receptacle for refuse which is in use at the date of the notice the Corporation shall contribute towards the reasonable cost approved by them of the receptacle such sum (not being less than one-half of the cost thereof) as they may consider just and proper according to the circumstances and the remainder of the cost shall be borne by the person to whom the notice was addressed and the Corporation may if they think fit bear the whole of the cost of providing the substituted receptacle and shall subject as hereinafter provided pay the whole of the cost of providing the receptacle and of removing or filling in

A.D. 1933. the fixed ashpit where the existing receptacle is reasonably serviceable :

Provided that if the medical officer or the sanitary inspector shall have certified that the existing receptacle for refuse is a nuisance or injurious to health or that an existing portable receptacle is worn out and unfit for use the whole of the cost of the substituted receptacle shall be borne by the person to whom the notice was addressed.

(3) If any notice under subsection (1) of this section is not complied with or is not fully complied with the Corporation may after the expiration of the time specified in such notice provide the required receptacles and do any work thereby required to be done which has not been done by the owner or occupier and may recover from the owner or (if there be more than one owner) from the owners in such proportions as shall be determined by the Corporation the expenses incurred by them in so doing less any part of the said expenses which is to be borne by the Corporation under subsection (2) of this section.

(4) (a) Every owner or occupier by or for whom a receptacle for refuse has been provided whether in pursuance of a notice under this section or not shall maintain the receptacle in good order and condition and when necessary renew it.

(b) Any person who fails to comply with this subsection shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(5) The owner or occupier of all premises in connection with which a portable receptacle for refuse has been or may hereafter be provided shall if so required by the Corporation pay to the Corporation on each first day of April after being so required such sum not exceeding three shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such receptacle. Such payments shall be in satisfaction of any obligation of such owner or occupier in regard to the maintenance and renewal of such receptacle and shall be recoverable summarily as a civil debt.

(6) Nothing in this section shall apply to any premises occupied by a railway company from which the Corporation do not remove the refuse.

(7) Section 41 of the Act of 1910 is hereby repealed.

140. The Corporation may at the request of the occupier of any premises within the borough provide and maintain at such premises a galvanised iron dustbin or galvanised iron dustbins on such terms and conditions and at such monthly quarterly or annual charge as may be agreed between such occupier and the Corporation.

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Provision  
of dustbins  
by Cor-  
poration.

141.—(1) In any case in which premises in the borough are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required by the Corporation after six months' notice in writing under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade :

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

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

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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(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.

Medical practitioners to notify cases of food poisoning.

**142.**—(1) Every medical practitioner attending on a person in the borough who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Corporation shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

Removal of infirm and diseased persons in certain cases.

**143.**—(1) If the medical officer certifies in writing that any person in the borough—

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of



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such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be.

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

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

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

(6) The powers of this section shall not be put into operation by the medical officer unless he is

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authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under the provisions of this section for the removal of any persons to any hospital infirmary or other institution without the consent in writing of the authority or body having the control thereof.

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

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

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

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

(4) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

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

145.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

146.—(1) When a sewer and water supply sufficient for the purpose are available within a reasonable distance the Corporation may require any existing closet accommodation (including any closet which drains into a cesspit and a slop-closet and trough-closet but not including a watercloset of any other description) provided at or in connection with any building to be altered so as to be converted into a fresh-water closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer and as consequential thereon they may also require a separate receptacle for ashes and house refuse to be provided at or in connection with such building.

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Conversion  
of existing  
accommo-  
dation into  
water-  
closets.

(2) If the owner of any such building fail in any respect to comply with a notice from the Corporation of any requirement under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Corporation in so doing :

Provided that the Corporation shall bear and pay such part of the expenses incurred by them (not being less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expenses.

(4) The notice of any requirement under this section shall state the effect of the provisions of this section and shall state clearly whether the requirement includes the provision of a separate receptacle for ashes and house refuse.

(5) Nothing in this section shall apply to any building (not being a dwelling-house) 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 so long as such building is used or held by the said company primarily for railway purposes.

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Cleansing  
of dwelling-  
houses in  
certain  
cases.

147. When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that any occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Corporation (who shall give to such occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Corporation to cleanse and disinfect the dwelling-house and the Corporation may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary.

Prohibiting  
sorting of  
contents of  
dustbins  
and refuse  
tips.

148.—(1) It shall not be lawful for any person (other than a person appointed by the Corporation for the purpose of emptying dustbins or other receptacles for refuse) to sort over or disturb the contents of any such receptacle when placed in any street or in any forecourt adjoining any street for the purpose of the removal of such contents by the Corporation.

(2) It shall not be lawful for any person (other than a person employed by the Corporation in connection with any refuse tip used by the Corporation for the disposal of refuse) to sort over or disturb the refuse at any such refuse tip.

(3) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

Byelaws as  
to tipping  
refuse.

149.—(1) Section 44 of the Public Health Act 1875 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust soil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

(2) The Corporation may by any byelaws made by them in pursuance of this section impose on offenders against the same such penalties as they think fit not exceeding the sum of fifty pounds for each offence and in the case of a continuing offence a further penalty not exceeding ten pounds for each day on which the

offence is continued after conviction thereof Section 183 of the Public Health Act 1875 shall not apply in the case of byelaws made in pursuance of this section. A.D. 1933.

(3) Without prejudice to any other remedy available the Corporation if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Public Health Act 1875 authorised to proceed with respect to a nuisance of whose existence they are satisfied and sections 94 to 104 inclusive of that Act with any necessary modifications shall apply accordingly.

(4) Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 96 of the Public Health Act 1875 as applied by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a further penalty under the byelaws for continuance of his offence after conviction and to a penalty under section 98 of the Public Health Act 1875 (as so applied) for failing to carry out an order or acting contrary to an order.

(5) Provided that no byelaw made under this section shall extend to regulate or control the tipping of soil or refuse by a railway company for the purpose of constructing widening or maintaining any railway works.

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

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

A.D. 1933.

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

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

(2) The Corporation shall make compensation to the owner or occupier of any registered slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

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

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

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(a) acquire by agreement any premises within the borough used for the purpose of slaughtering cattle sheep goats or swine (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee or occupier of such premises;

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

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

(2) At any time after the expiration of three years from the passing of this Act and after the Corporation have provided an adequate slaughter-house in a convenient position (to the satisfaction of the Minister) and after the expiration of six months from the date of publication by the Corporation in a local newspaper circulating in the borough of notice to that effect no person shall slaughter in the way of trade any cattle sheep goats or swine within the borough except in a slaughter-house provided by the Corporation but this restriction shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle sheep goats or swine belonging to him and not slaughtered for the purpose of trade or by a farmer on premises occupied by him for agricultural purposes only and if any person act in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds.

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

A.D. 1933. arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in respect of the closing of such slaughter-house.

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

(5) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

Corporation  
may supply  
antidotes  
against  
infectious  
disease.

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

Notice of  
slaughter  
of animal  
unfit for  
food.

**153.**—(1) Where any person being the owner of any bull ox cow heifer calf sheep lamb goat or pig which is emaciated or diseased and unfit for food is about to slaughter the same or about to cause the same to be slaughtered he shall give not less than twelve hours' previous notice to the medical officer or sanitary inspector of such intention and shall on the application of the medical officer or sanitary inspector within six weeks from the date of such slaughter furnish such information within his knowledge as the medical officer or sanitary inspector may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcass or any part thereof.

(2) Any person failing to give such notice or refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding ten pounds.

(3) This section shall not apply to the slaughter of any animal to which the Public Health (Meat) Regulations 1924 apply.



**154.**—(1) From and after the passing of this Act the Public Health (Meat) Regulations 1924 shall apply to the slaughtering of an animal on the premises of any hotel hostel institution boarding school or public school in the borough as if the meat of such animal were intended for sale for human consumption and as if the said premises were a slaughter-house as defined by the said regulations.

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—  
As to slaughtering of animal intended to be used for human consumption in hotels &c.

(2) In this section the expression "animal" has the meaning assigned to it by the Public Health (Meat) Regulations 1924.

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

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

**156.** Every dealer in any article intended for the food of man vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or from any market stall shall have his name and address legibly painted inscribed or displayed on such cart barrow vehicle or stand pail container or receptacle or clearly exhibited on such market stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings :

As to street vendors of food.

Provided that no person shall be liable to a penalty under the provisions of this section if he has been convicted for the same offence under the provisions of section 6 of the Milk and Dairies (Consolidation) Act

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A.D. 1933.      1915 or any regulations made under the Public Health  
—      (Regulations as to Food) Act 1907.

Byelaws as  
to stables.

**157.** The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable used for the accommodation of horses (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions (a) in or about or arising out of any such stable or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

As to  
infected  
stables and  
other  
places.

**158.**—(1) Where the medical officer has certified that any infectious or parasitic disease has appeared in any stable cowshed or other place within the borough where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Corporation may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

Byelaws as  
to lodging-  
houses.

**159.** Section 6 of the Housing Act 1925 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say) :—

(1) For requiring a placard to be fixed in each room so let or occupied setting forth the cubical content and accommodation thereof :

(2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

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

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Periods of letting as affecting common lodging-houses.

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

Power to refuse registration.

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

(2) If the Corporation refuse to grant or renew registration under this section they shall if required by the applicant deliver to him a statement in writing of the ground or grounds upon which such registration is refused.

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

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

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

(6) On any such appeal the court may after considering any representations made by the Corporation either

A.D. 1933. — by order confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.

Penalty for throwing rubbish into streams.

**162.** Every person who throws casts deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream or watercourse within the borough so as to interfere with the due flow of such river stream or watercourse shall be liable to a penalty not exceeding five pounds.

Provision as to tents vans &c.

**163.** Any tent van shed or similar structure standing upon land in the borough 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.

Prohibition of tents vans &c.

**164.**—(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 unless it is 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 travelling with a travelling show not being a pedlar or hawker. A.D. 1933.

(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.

**165.**—(1) The owner of any dwelling-house or tenement in the borough which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the means of affording such a supply of water are not available and cannot be made available at a reasonable cost :

As to houses without water supply.

Provided that the owner of any dwelling-house or tenement erected before the passing of this Act shall not be liable to the penalties provided by this section unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house or tenement with a proper and sufficient water supply within such dwelling-house or tenement.

(2) Section 62 (Local authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer of health" were inserted therein after the words "the surveyor."

(3) Section 34 of the Act of 1910 is hereby repealed.

## PART VII.

### PARKS BATHS PUBLIC BUILDINGS &C.

**166.** The Corporation may—

- (a) Provide or acquire or may (subject to the approval of the Minister) on any lands of which for the time being they may be the owners or lessees or on lands to be acquired by them for the purpose erect and construct or allow to be erected and constructed and hold furnish equip maintain and insure concert halls public halls pavilions bandstands assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms shelters

Power to provide and let public buildings &c.

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ante-rooms refreshment rooms kitchens cloak rooms lavatories conveniences and appurtenances and may for any such purposes maintain alter adapt extend or otherwise deal with existing buildings for the time being belonging or leased to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings ;

- (b) For the purpose of erecting constructing providing and maintaining any such buildings as aforesaid purchase or take upon lease or otherwise acquire lands by agreement but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands ;
- (c) Agree (as part of the terms on which the Corporation may acquire or take on lease any existing buildings used at the time of such acquisition for any of the purposes aforesaid) to give to any existing members of or any subscribers to the funds of any company or society to which such buildings belong any special privileges upon such terms and conditions as may be agreed but no such special privileges shall be given to any person except for his life or a less period nor shall any such privileges be assignable or transferable to any other person ;
- (d) Grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Corporation on such terms and conditions as they may think fit.

As to baths  
and bathing  
pools.

**167.** Subject to the provisions of this Act—

- (1) The Corporation may construct on lands belonging to them and may maintain alter extend enlarge improve repair furnish and equip or discontinue sell and dispose of open or covered swimming and other baths and bathing pools with all necessary conveniences and appliances :

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(2) The Corporation may make and enforce by-laws for the management use and regulation of the said baths and bathing pools and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply to such baths and bathing pools and the Corporation may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make :

(3) The Corporation may also lay down and provide such intake pipes apparatus and fittings as may be incidental to or necessary for supplying water to any baths belonging to them and for the purpose of laying and repairing such pipes apparatus or fittings may break up streets repairable by them and alter the position of any culverts pipes and wires under any street :

Provided that the Corporation shall not alter the position of 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 :

(4) The Corporation may let on lease to any company or person for such term and on such conditions as they may think fit any baths or bathing pools provided by them as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths or bathing pools contained in this section.

**168.** The Corporation may use or may let on such conditions as they may think fit any swimming bath or bathing pool belonging to them for swimming contests practices aquatic exercises water polo matches life-saving classes or aquatic exhibitions and the Corporation may

Use of  
swimming  
baths for  
exhibitions  
&c.

A.D. 1933.

grant the use of any such swimming bath or bathing pool for aquatic entertainments or for meetings and may also make such charges as they think fit for admission to and for letting any swimming bath or bathing pool as aforesaid on any such occasion or for any of such purposes.

Pro-  
grammes.

**169.** The Corporation may provide programmes of any concert entertainment athletic meeting exhibition or performance which may from time to time be provided by the Corporation or with their sanction or towards the expenses of which they may contribute in any public park or pleasure ground or swimming bath in the borough and may sell such programmes or may authorise any person or persons to provide and sell such programmes.

Power to  
appoint  
officers.

**170.**—(1) The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

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

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

**171.** From and after the passing of this Act every police constable appointed to act in the borough 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 in the borough 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.

## PART VIII.

## SALE OF COKE.

Application  
to sale of  
coke of  
Weights and  
Measures  
Act 1889.

**172.** The provisions of sections 20 to 29 of the Weights and Measures Act 1889 and of any byelaws made by the county council thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the borough.



**173.** If any seller of coke or any person in charge of any vehicle from which coke is being sold delivered or offered or exposed for sale wilfully makes any false statement as to the weight of the coke or any part thereof or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds. Provided that any such penalty may and shall be recovered by the county council in a summary manner.

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Penalty on  
fraudulent  
sale.

**174.** Any inspector of weights and measures acting as an officer of and for and on behalf of the county council may prosecute before a court of summary jurisdiction any proceedings under or in pursuance of this Part of this Act.

Proceedings  
under this  
Part of Act.

**175.** The provisions of this Part of this Act relating to coke shall apply also to any solid fuel derived from coal or of which coal or coke is a constituent as if it were coke.

Application  
of this Part  
of Act.

**176.—(1)** Public notice of the provisions of this Part of this Act shall be given by the county council forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

Notice to  
be given of  
this Part of  
Act.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

## PART IX.

### FINANCIAL PROVISIONS.

**177.—(1)** The Corporation may for paying the costs charges and expenses referred to in the final section of this Act borrow on the security of the general rate fund and general rate such moneys as may be necessary for that purpose and shall pay off all moneys so borrowed within a period of five years from the passing of this Act.

Power to  
borrow.

(2) (a) The Corporation may also borrow with the consent of the Electricity Commissioners as regards the purposes of Part II (Electricity) of this Act and of the Minister as regards any other purpose such further sums as may be necessary for any of the purposes of this Act.

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(b) 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.

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

Provisions  
of Public  
Health Act  
1875 as to  
mortgages  
to apply.

**178.** Subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" sections 236 237 and 238 of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act.

Mode of  
payment  
off of  
money  
borrowed.

**179.** The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Sinking  
fund.

**180.—**(1) If the Corporation determine to repay by means of a sinking fund any money borrowed by virtue of any statutory borrowing power (other than money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

(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 the rate of not exceeding three pounds per centum per annum (or such other rate as the Minister may from time to time authorise) 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."

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(2) Subject to the provisions of this Act every sum paid to a sinking fund and in the case of an accumulating sinking fund an amount equivalent to the interest on the investments of the sinking fund shall 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 an amount equivalent to 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 money for the repayment of which the 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 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

A.D. 1933. — paid by the Corporation in addition to the payments to such fund 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. Provided that 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 money for the repayment of which the sinking fund is formed.

(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 within the prescribed period the moneys for the repayment of which the sinking fund is formed 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 money which at the date of the passing of this Act is standing to the credit of any sinking fund in respect of money borrowed by the Corporation (other than money borrowed by the issue of stock) and not applied in repayment thereof shall be transferred to a sinking fund established under this section and the money so transferred shall be taken into account in calculating the future payments to be made to that sinking fund.

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**181.** Notwithstanding anything in this Act 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 lands or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

Use of  
moneys  
forming  
part of  
sinking and  
other funds.

(1) The moneys so used shall be repaid out of the general rate or the general rate fund to the lending fund within the period and by the methods within and by 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 general rate or the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

(2) In the accounts of the general rate fund an amount equal to interest calculated 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 on any moneys so used and for the time being not repaid shall be accredited to the lending fund and debited

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to the undertaking or purpose with reference to which the moneys are so used :

- (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.

Consolidated loans fund.

**182.**—(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 thirty-four the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

- (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 ; and
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt :

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as 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 ; and

- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation: A.D. 1933.

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realized by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charged and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation lands or other similar fund (hereinafter referred to as the "lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

- (a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and
- (b) 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 average rate of interest payable by the Corporation on their current borrowings.

(5) 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

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(6) 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.

(7) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(8) 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.

Power to use one form of mortgage for all purposes.

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

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

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

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

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods and by the means within and by



which they would have been repayable respectively if this section had not been enacted. A.D. 1933.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section.

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

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

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

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

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the

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principal and interest secured thereby and any transferee may in like manner transfer his estate rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

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

Power to  
borrow by  
issue of  
bonds.

**184.**—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds (to be called "Worksop Corporation bonds" and in this Act referred to as "bonds") in accordance with the provisions of this Act.

(2) The provisions set out in the Second Schedule to this Act shall have effect with regard to bonds.

(3) All bonds issued under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of issue of the bonds or on any other ground whatsoever.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Receipt in  
case of  
persons not  
sui juris.

**185.** 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  
securities  
held jointly.

**186.**—(1) 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 or dividend thereon unless notice to the contrary has been given to the Corporation or in case of stock to the registrar by any other of them.

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(2) Where any such security is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the interest or dividend on the security shall be sufficient authority in that behalf if given under the hand or seal of the person not under disability attested by two or more credible witnesses but the Corporation or the registrar as regards stock may before acting on the letter of attorney (if they or he think fit) require proof to their or his satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

**187.** 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 of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Evidence of transfer or transmission of securities.

**188.** The Corporation may close any transfer books or the registers of transfers of mortgages or other securities of the Corporation as the case may be on any day in the month next before that in which an instalment of interest on such mortgages or other securities is payable but so that the books be not at any time kept closed for more than one month.

Closing of registers.

**189.**—(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 in pursuance of any Act relating to a statutory borrowing power from time to time relating to the Corporation or in respect of any money raised thereunder.

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

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

(4) Section 56 of the Act of 1910 or any other enactment requiring an annual return to be made is hereby repealed.

Receipts  
and  
expenses.

**190.**—(1) Except as by this Act otherwise expressly provided all money received by the Corporation whether on capital or revenue account (including all money received by the Corporation on account of the revenue of any undertaking of the Corporation for the time being and interest and other annual proceeds from time to time received by the Corporation on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent accident insurance loans consolidated loans or other similar fund) shall be carried to and form part

of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act and not otherwise provided for shall be paid out of that fund or the general rate.

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(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

**191.**—(1) As from the first day of April nineteen hundred and thirty-four 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 undertakings of the Corporation for the time being (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

Separate accounts to be kept for Corporation's undertakings.

- (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;
- (e) Any money expended out of the general rate fund on any of the purposes mentioned in subsection (1) of the next succeeding section of this Act.

(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.

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(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.

(4) Section 64 of the Act of 1910 is hereby repealed.

Application  
of revenue  
of under-  
takings.

192. As from the first day of April nineteen hundred and thirty-four the following provisions shall have effect :—

(1) If in any year the moneys received by the Corporation on account of the revenue of any undertaking of the Corporation for the time being exceed the moneys expended by the Corporation in respect of that undertaking in respect of the expenses mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section of this Act the Corporation may in that year (if they think fit) apply out of the general rate fund a sum equal to the amount of such excess in any of the following ways :—

(a) In reduction of capital moneys borrowed for the purposes of the undertaking;

(b) Subject in the case of the electricity undertaking to the consent of the Electricity Commissioners and in the case of the water undertaking to the consent of the Minister in the construction renewal extension and improvement of the works and conveniences for the purposes of the undertaking;

(c) In providing a reserve fund in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable (not exceeding in any one year in the case of the water undertaking a sum equivalent to ten shillings per hundred pounds upon the aggregate capital expenditure of the Corporation in respect of that undertaking) and (unless the amounts so set aside are applied under the provisions of the sections of this Act of which the marginal notes are respectively "Use of

moneys forming part of sinking and other funds" and "Consolidated loans fund") investing the same in statutory securities until the fund so formed amounts in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking and in the case of other undertakings to the maximum reserve fund for the time being prescribed by the Corporation but not exceeding in the case of the water undertaking a sum equal to one-fifth of the aggregate capital expenditure of the Corporation upon that undertaking :

- (2) Any reserve or renewals or contingency or depreciation fund which has been formed for the purposes of any undertaking of the Corporation and which is in existence at the commencement of this Act shall be deemed to be part of a reserve fund formed under paragraph (c) of subsection (1) of this section :
- (3) The Corporation shall in every year so long as any reserve fund formed under this section is less than the maximum prescribed by or under this section pay into that fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the reserve fund and carried to the general rate fund :
- (4) 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 (except in the case of the electricity undertaking) for payment of the cost of renewing improving or extending any part of the works forming part thereof or (except in the case of the electricity undertaking) otherwise for the benefit of that undertaking and so that if that fund be at any time reduced

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it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens :

- (5) 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 :
- (6) Section 61 of the Act of 1910 is hereby repealed as from the first day of April nineteen hundred and thirty-four.

Provisions  
as to surplus  
electricity  
revenue.

**193.** In lieu of the provisions of section 7 (1) of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that section set out in the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenue of undertakings") shall apply with respect to the electricity undertaking of the Corporation as from time to time existing (namely) :—

If in any year the accounts of the electricity undertaking kept under the section of this Act of which the marginal note is "Separate accounts to be kept for Corporation's undertakings" shall show that the revenue of the electricity undertaking in respect of that year (including if and so long as any reserve fund established in connection with the electricity undertaking amounts to a sum equal to one-tenth part of the aggregate capital expenditure of the Corporation on that undertaking the interest and other annual proceeds received by the Corporation in respect of that year on the investments forming part of that reserve fund) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes mentioned in paragraphs (a) to (e) of subsection (1) of the last-mentioned section then—

(a) If the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure on that undertaking an



amount equal to such excess shall be deemed for the purposes of the section of this Act of which the marginal note is "Separate accounts to be kept for Corporation's undertakings" to be revenue of the electricity undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

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(b) If the said reserve fund amounts to more than one-twentieth of the said aggregate capital expenditure such amount as the Corporation may think fit (not being less in cases where the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the electricity undertaking than the difference between the said excess and that sum) shall be deemed for the purposes of the section of this Act of which the marginal note is "Separate accounts to be kept for Corporation's undertakings" to be revenue of the electricity undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so deemed to be revenue.

**194.** The Corporation may if they think fit establish a fund to be called "the lands fund" which shall form part of the general rate fund to provide for purchasing or acquiring or taking on lease and holding any lands and buildings which in their opinion it is desirable at any time to 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 such fund shall be formed by annually appropriating thereto out of the general rate such an amount as the Corporation may from time to time determine not exceeding the amount which would be produced by a rate of twopence in the pound calculated in manner provided by rules from time to time made by the Minister under the Rating and

Lands fund.

A.D. 1933. Valuation Act 1925 and (unless the amounts so appropriated are applied under the provisions of the section of this Act of which the marginal note is "Consolidated loans fund") by investing the same in statutory securities Provided that when the fund aforesaid shall amount to the sum of ten thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of ten thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of ten thousand pounds.

Insurance  
fund.

**195.**—(1) The Corporation may if they think fit establish a fund to be called "the insurance fund" with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

- (i) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;
- (ii) Risk of accident and claims by third parties in respect of fire engines scavenging vehicles motor cars and motor transport and horse-drawn vehicles and generally in the carrying out by the Corporation of their duties as local authority;
- (iii) Risk of explosion in respect of boilers;
- (iv) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;
- (v) Risks of mechanical or electrical breakdown at or in connection with any of the undertakings or works or plant of the Corporation;
- (vi) Risks of loss due to infidelity of officials of the Corporation;
- (vii) Risk of damage to property of the Corporation by aircraft;

(viii) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last mentioned insurance be equal to the aggregate amount aforesaid.

(4) When the insurance fund shall amount to one hundred and fifty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below one hundred and fifty thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of one hundred and fifty thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premiums of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested

A.D. 1933. — may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Act) be invested in statutory securities and the interest and annual proceeds arising from those securities shall subject to the provisions of this Act be invested and accumulated until the fund amounts to the sum of one hundred and fifty thousand pounds but when and so long as the fund amounts to the sum of one hundred and fifty thousand pounds the interest and annual proceeds of the securities may be carried to the credit of the general rate fund and apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister and on such security as the Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings or departments of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

Renewal  
and repairs  
fund.

**196.**—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called the "renewal and repairs fund" any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Corporation in connection with the

provision of horses carts mechanically-propelled vehicles  
stables depots boilers and equipment and apparatus in  
connection therewith as shown in the accounts of the  
Corporation at the thirty-first day of March in any such  
year.

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(2) The maximum amount standing to the credit of  
the renewal and repairs fund shall not at any time exceed  
an amount equal to one-third part of the cost referred to  
in subsection (1) of this section.

(3) The renewal and repairs fund shall be applicable  
only to meet expenses requisite for the maintenance and  
renewal of the appliances works and equipment referred  
to in subsection (1) of this section and the repair of carts  
mechanically-propelled vehicles stables depots boilers  
equipment and apparatus and shall be so applied from  
time to time for the purpose of equalising so far as may be  
the annual charge to revenue in respect of such expenses.

**197.**—(1) The Corporation may at any time here-  
after and from time to time make a scheme for prescribing  
one or more uniform periods within which all or any loans  
contracted by them under statutory borrowing powers  
shall be discharged and such scheme may extend or vary  
the periods within which such loans shall be discharged and  
may apply to any such loans all or any of the provisions  
of this Act in regard to the borrowing and repayment of  
money with or without modification and may make pro-  
vision in regard to all matters incidental to the objects  
aforesaid.

Scheme for  
equated  
periods.

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

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

(4) The loans referred to collectively in any scheme  
under general headings in accordance with a classification

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approved by the Minister may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) The Corporation may with the sanction of the Minister and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister may sanction.

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

Power to invest all reserve funds &c. in statutory securities.

**198.** 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 reserve renewals or repairs fund they may (in addition to any other powers for the time being vested in them) invest such fund and the interests on the investments of such fund in statutory securities.

As to mortgage of revenues of Corporation.

**199.**—(1) Any reference in any mortgage or charge granted by the Corporation to the revenue of any undertaking of the Corporation shall be deemed to be a reference to the revenues of the Corporation.

(2) In order to secure the repayment of any money hereafter borrowed by the Corporation under any statutory borrowing power and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

Recovery of rates from persons removing.

**200.** If a justice is satisfied on complaint by any rating officer or collector of water rates that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate or water rate which may be due from him and intends to evade payment

of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rating officer collector of water rates or other authorised officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

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**201.** If and when the Corporation have adopted the Local Government and other Officers' Superannuation Act 1922 the following provisions shall have effect:—

Super-  
annuation  
allowance  
to widows  
of pen-  
sioners.

- (1) If within one month before becoming entitled to a superannuation allowance under paragraph (b) or (c) of subsection (1) of section 6 of the Local Government and other Officers' Superannuation Act 1922 an officer or servant of the Corporation has given notice in writing to the treasurer requiring that the provisions of this section shall apply to him and to any wife to whom he is married on the date on which he becomes entitled to a superannuation allowance then unless the Corporation (being of opinion that the state of health of such person is not reasonably satisfactory having regard to his age) decide not to comply with his requirement the following provisions shall have effect:—

(a) The amount of every payment in respect of the superannuation allowance payable to such person shall in all cases be reduced by six per centum and if the age of the wife of such person is less than the age of such person such reduced amount shall during their joint married lives be further reduced by the amount by which the annuity payable to his wife if she survives him will be diminished under the provisions of subsection (2) of this section;

(b) If the wife in respect of whom the said notice was given survives the person who gave the notice and does not cease until the date of his death to be his wife she shall be entitled after his death to receive for life out of the appropriate superannuation fund an annuity equal to one-third of the annual amount of his

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superannuation allowance reduced as aforesaid by six per centum. Provided that if the age of such wife was less than the age of such person such annuity shall be subject to a diminution calculated under the provisions of subsection (2) of this section;

(c) If the said wife shall die in the lifetime of the said person who gave the notice and shall not before the date of her death have ceased to be the wife of such person then as from the date of her death the annual amount of the superannuation allowance of the person who gave the notice shall be diminished to two-thirds of his superannuation allowance reduced as aforesaid by six per centum:

(2) The diminution referred to in paragraph (b) of subsection (1) of this section shall—

(i) where the husband has at the time of his retirement attained the age of sixty-five years and the case falls within the table set out in the Third Schedule to this Act be calculated in accordance with that table; and

(ii) in any other case be of such an amount as shall be certified by an actuary to be just:

(3) As soon as practicable after the receipt of any such notice as is referred to in subsection (1) of this section the Corporation shall intimate in writing to the person giving the same their decision as to the acceptance or refusal (on grounds of the state of health of such person) of the requirement of such notice and within one month of the intimation by the Corporation of the acceptance of any such requirement the treasurer shall notify in writing to the person to whom such intimation was given the amount of the annuity which will in accordance with the provisions of this section be payable to his wife so surviving him as aforesaid and by which his superannuation allowance will be reduced:

(4) An annuity under this section shall not be capable of assignment or transfer.



202.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired by them under the provisions of this Act or any local Act for the time being in force within the borough and with the consent of the Minister to the purchaser or lessee of any other lands belonging to the Corporation and not required for the purposes for which they were acquired for the purpose of enabling or assisting him to erect buildings on such land provided that any advance shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the land with the intended building erected thereon.

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Power to  
Corpora-  
tion to  
advance  
money for  
erection of  
buildings.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being prescribed by the Minister for the purposes of loans under the Small Dwellings Acquisition Acts 1899 to 1923 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and such purchaser or lessee.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year as may be agreed between the said purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's written notice and on paying all sums due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the instrument hereinafter referred to) or a multiple of one hundred pounds (or of such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will be reduced where a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment

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(6) The Corporation shall have power to enter the building in respect of the erection of which any advance is made by them by any person authorised by them in writing for the purpose at all reasonable times for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the building in respect of which such advance is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

Application  
of financial  
provisions  
of Act of  
1910.

**203.** The following provisions of the Act of 1910 shall apply and have effect as if they were with the necessary alterations re-enacted in this Act (namely):—

- Section 52 (Mode of raising money);
- Section 57 (Protection of lender from inquiry);
- Section 58 (Corporation not to regard trusts);
- Section 59 (Appointment of receiver);
- Section 60 (Power to re-borrow);
- Section 62 (Application of money borrowed);
- Section 63 (Expenses of execution of Act);
- Section 65 (Inquiries by Local Government Board):

Provided that in the application of the said section 65 that section shall be read and have effect as if the words "five guineas" were substituted therein for the words "three guineas."

PART X.

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MISCELLANEOUS PROVISIONS.

204.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the borough and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from the general rate they may subject to any condition or restriction attaching to such power expend money so raised in the execution of such works in relation to the subject matter of the gift. Gifts and bequests.

(2) This section shall not extend to property relating to affairs of the church within the meaning of the Act of 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) Accounts of the income and expenditure of the Corporation under this section shall be kept by the chief financial officer and shall be made up and audited as part of the general accounts of the Corporation.

205.—(1) The Corporation may erect and maintain on any open space or public place on or adjoining any highway in the borough such weigh-bridges or weighing machines and offices in connection therewith as they may consider necessary or desirable for the use of the public. Power to erect weigh-bridges.

(2) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any such weigh-bridge or weighing machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weigh-bridges or weighing machines erected by the Corporation under the provisions of this section.

(4) The Corporation shall not erect or allow the use of any such weigh-bridge weighing machine or offices so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company.

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Corporation  
may provide  
automatic  
weighing  
machines.

206. The Corporation may provide and maintain automatic machines for weighing persons in the markets market house and market halls and the public baths and other premises belonging to the Corporation and may charge for the use of such machines.

Display of  
advertise-  
ments.

207.—(1) The Corporation may serve a notice on the owner or occupier of any land within the borough in respect of any serious injury to the amenities of any public open space within the borough which may be caused by the display of advertisements on such land requiring him within a reasonable time to be specified in the notice to take such action and to execute such works including works of removal as may be necessary to abate the injury.

(2) If the person on whom the notice is served fails to comply therewith the Corporation may cause a complaint relating to the injury to be made to a court of summary jurisdiction and that court may issue a summons requiring the person to appear before them and if satisfied that the alleged injury exists may make an order requiring the person to comply with the requisition or otherwise to abate the injury and to do any works necessary for the purpose within a time specified in the order.

(3) If any person fails to comply with the requirements of subsection (2) of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) Any order made under subsection (2) of this section may also empower the Corporation themselves to undertake the necessary works and to recover the cost from the person against whom the order is made if such person fails to comply with the order.

(5) The provisions of this section in regard to advertisements shall be in addition to and not in derogation of the provisions of the Advertisements Regulation Acts 1907 and 1925.

(6) Nothing in this section shall apply to—

(a) advertisements on houses relating to the letting or sale thereof or upon land relating solely to any trade or business carried on or to any entertainment or meeting auction or sale to be held upon or in relation to

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such land or any property thereon or to advertisements on the door or in the window of a building if the advertisements do not in either case contain letters figures or advertising emblems exceeding six inches in height and do not (except where affixed to and not projecting above a vertical wall of a building) exceed a height of twelve feet from the ground;

- (b) (for a period of five years from the passing of this Act) hoardings or similar structures erected or in use for advertising purposes prior to that date and any advertisement displayed thereon during that period or any other advertisement displayed at the date of the passing of this Act;
- (c) advertisements on or upon any railway station yard platform or railway approach or any canal dock wharf lock or toll station belonging to a railway company.

**208.**—(1) A noise nuisance shall be liable to be dealt with in accordance with the provisions relating to nuisances of the Public Health Act 1875 Provided that no complaint shall be made to a justice under section 105 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

(3) Nothing contained in this section shall apply to a railway company or their servants exercising statutory powers.

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Power to  
provide tubs  
for trees &c.

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

Preserva-  
tion of trees.

**210.**—(1) If at any time the Corporation having regard to the amenity of any part of the borough are of opinion that any tree of a height of more than thirty feet or having a trunk of a girth of more than three feet at a height of five feet above the ground growing within a distance of twenty-five feet from any street or road repairable by the inhabitants at large or any group of such trees ought to be preserved the Corporation may register the tree or group of trees and shall thereupon notify the owner and occupier of the land upon which the tree or group of trees is growing that the tree or group of trees has been registered and the register of trees so made shall be open to inspection by persons interested at all reasonable times.

(2) No person shall cut down lop top or wilfully destroy any tree registered by the Corporation under this section except—

- (a) in pursuance of the provisions of section 65 of the Highway Act 1835 section 5 of the Telegraph (Construction) Act 1908 section 23 of the Public Health Act 1925 or section 34 of the Electricity (Supply) Act 1926; or
- (b) where the tree has become dangerous; or
- (c) to such an extent as may be necessary to prevent its constituting a nuisance to the owner or occupier of neighbouring lands; or
- (d) to such an extent as may be necessary in pursuance of a right to abate a nuisance; or
- (e) with the consent of the Corporation; or
- (f) under an order of a court of summary jurisdiction under subsection (3) of this section; or
- (g) where the tree is growing on land required for the widening or improvement of any road or for the construction of a new road or the erection or extension of a building or structure:

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Provided that if the Corporation do not notify their refusal to consent to the cutting down lopping topping or destruction of any registered tree within one month from the date of an application for consent their consent shall be deemed to have been given.

(3) Any owner or occupier of the land upon which a tree or group of trees is growing who is aggrieved by the refusal of the Corporation to consent to the cutting down lopping topping or destruction of any registered tree may appeal to a court of summary jurisdiction and the court may if they think just make an order authorising the cutting down lopping topping or destruction of the tree but any such order shall not affect any rights as between the owner and occupier of such land.

(4) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds.

(5) Nothing in this section shall apply to any tree or group of trees growing upon land used or held by a railway company for railway purposes or prejudice or affect the powers conferred upon justices by section 24 of the Regulation of Railways Act 1868.

(6) The Corporation shall make compensation to the owner of the land upon which any registered tree is growing who shall be injuriously affected by the refusal of the Corporation to consent to the cutting down lopping topping or destruction of any registered tree such compensation in case of difference to be settled in the manner provided by the Public Health Act 1875.

(7) The provisions of this section shall cease to apply to any land as from the date on which a town planning scheme under the Town and Country Planning Act 1932 or any Act repealed thereby relating to that land comes into force.

**211.** The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of this section for prohibiting animals from being led or driven along such streets of the borough as may be specified in such byelaws and for prescribing the hours during which and the manner according to which animals may be led or driven along any streets in the borough :

Byelaws as to leading or driving cattle.

[Ch. xlii.] *Worksop Corporation* [23 & 24 GEO. 5.]  
Act, 1933.

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Provided that the route or routes prohibited by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid :

Provided also that no such byelaw shall prevent the owner of any animal driving the same to his own premises :

Provided further that no byelaw made under the provisions of this section shall be of any effect if and so far as it conflicts with any direction for the time being contained in the highway code issued by the Minister of Transport in pursuance of the provisions of section 45 of the Road Traffic Act 1930.

Byelaws as to bicycles &c. on certain foot-paths.

**212.** The Corporation may make byelaws prohibiting or restricting the use by persons riding bicycles tricycles or other similar vehicles on the footpath in the borough known as the Canch Walk or on any other foot-paths in the borough specified and defined in such byelaws.

Byelaws in respect of fried fish shops.

**213.** The Corporation may make byelaws with respect to the trade or business of a fish frier for the purposes of subsection (2) of section 51 of the Public Health Acts Amendment Act 1907 notwithstanding that such trade or business may not have been declared to be an offensive trade in pursuance of subsection (1) of that section.

Ejection of steam and waste gas to annoyance of public.

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

(2) Any person who shall cause or permit steam or waste gas to be ejected or discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.



(3) The provisions of this section shall not apply to any locomotive used by a railway company. A.D. 1933.

**215.** Every person who shall on Sundays in any street or public place in the borough call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any article or commodity shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty for street crying on Sundays.

**216.** It shall be lawful for the Corporation in any library provided by them— Provision of lectures.

(a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Corporation think fit and to let such rooms and to make reasonable charges for admission to such lectures; and

(b) to provide suitable rooms for art exhibitions and to permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions :

Provided that the sum to be expended by the Corporation in any one year on the provision of lectures shall not exceed the sum of three hundred pounds after deducting any moneys received by the Corporation under the provisions of this section.

**217.—**(1) Every person who uses a stationary internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall at all times at his own expense keep such silencer in proper repair. Silencers for internal combustion engines.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the person aforesaid :

Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to any railway company and used by them for the purposes of their railway undertaking.

[Ch. xlii.] *Workshop Corporation* [23 & 24 GEO. 5.]  
Act, 1933.

A.D. 1933.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice in writing from the Corporation to the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Compensation for injuring lamps &c.

**218.** Every person who negligently breaks throws down or otherwise damages any public lamp or lamp-post street danger signal fire alarm 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 ten pounds shall be recoverable summarily as a civil debt.

Power to grant allowances or gratuities in certain cases.

**219.**—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1925 and not entitled to benefits under a scheme established under the Local Government and other Officers' Superannuation Act 1922 grant a weekly or other periodical allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

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

Committees of council.

**220.**—(1) Any committee appointed by the council under the Municipal Corporations Acts or any Acts or any local Act or Order confirmed by or having the force of an Act of Parliament shall if the council so resolve have all the powers with reference to such purposes of a committee appointed under section 200 of the Public Health Act 1875.

(2) So much of section 22 of the Municipal Corporations Act 1882 as is inconsistent with subsection (1) of this section shall cease to apply to the Corporation.

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

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Service of  
summons  
on mem-  
bers of  
Council.

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

Expenses  
may be  
declared  
private  
improve-  
ment  
expenses.

**223.** Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the sanitary inspector or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

In executing  
works for  
owner Cor-  
poration  
liable for  
negligence  
only.

**224.** The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part V (Streets buildings sewers and drains) and Part VI (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Power to  
enter  
premises.

**225.** If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part V (Streets buildings sewers and drains) or Part VI

Penalty on  
occupier  
refusing  
execution of  
Act.

A.D. 1933. (Infectious disease and sanitary provisions) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the work 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 work.

Evidence  
of appoint-  
ments  
authority  
&c.

**226.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Breach of  
conditions  
of consent  
of Corpora-  
tion.

**227.** 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.

Consents of  
Corporation  
to be in  
writing.

**228.** All consents given by the Corporation under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed

shall be given under the hand of the town clerk or other  
duly authorised officer of the Corporation.

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

Apportion-  
ment of  
expenses in  
case of  
joint  
owners.

**230.** Except as otherwise provided in this Act the provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act other than byelaws which the Corporation may make under section 23 of the Municipal Corporations Act 1882 as extended by the section of this Act of which the marginal note is "Byelaws as to leading or driving cattle":

General  
provisions  
as to  
byelaws.

Provided that as regards the confirmation of byelaws to be made under the section of this Act of which the marginal note is "Byelaws as to bicycles &c. on certain footpaths" the Secretary of State for the Home Department shall be substituted for the Minister.

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

Damages  
and charges  
to be settled  
by court.

**232.** Any person aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part V (Streets buildings sewers and drains) and Part VI (Infectious disease and sanitary provisions) of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions

As to  
appeals.

[Ch. xlii.] *Worksop Corporation* [23 & 24 GEO. 5.]  
Act, 1933.

A.D. 1933. under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Several sums in one summons.

**233.** 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.

Compensation how to be determined.

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

Saving for indictments &c.

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

Arbitration.

**236.** Where under this Act any question or dispute is referred to an arbitrator or to arbitration then (except where otherwise expressly stated and except questions or disputes to which the provisions of the Lands Clauses Acts apply) the reference shall be to a single arbitrator to be appointed by the President of the Institution of Civil Engineers and otherwise subject to the provisions of the Arbitration Act 1889.

Powers of Act cumulative.

**237.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as

the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one-penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

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

Application of section 265 of Public Health Act 1875.

**239.** The following provisions of the Act of 1910 shall apply and have effect as if they were with the necessary alterations re-enacted in this Act (namely):—

Further application of provisions of Act of 1910.

Section 67 (Authentication and service of notices &c.);

Section 68 (Recovery of penalties &c.);

Section 69 (Penalties to be paid to treasurer);

Section 70 (Informations by whom to be laid);

Section 72 (Judges not disqualified);

Section 73 (Recovery of demands in county court);

Section 74 (Crown rights).

**240.** For the protection of the London & Fort George Land Company Limited or other the owner or owners for the time being in fee simple of the lands coloured pink on the signed plan hereinafter referred to or of any of those lands (each of whom is in relation to the land of which he is such owner referred to in this section as the "estate owner") the following provisions shall unless otherwise agreed in writing between the estate owner and the Corporation have effect in respect of such lands (that is to say):—

For protection of estates of London & Fort George Land Company Limited.

- (1) In this section "the signed plan" means the plan signed in duplicate for purposes of identification by Alfred Norman Schofield on behalf of the Corporation and by Kenneth Murray Walker on behalf of the said London & Fort George Land Company Limited of which plan one copy has been deposited with the Corporation and the other copy has been deposited with the said company:

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(2) For the purposes of the section of this Act of which the marginal note is "Adjustment of boundaries of estates" the estate owner entitled to the benefit of any covenant restriction or condition which is proposed to be removed or regulated or upon whom any covenant restriction or condition is proposed to be imposed shall be deemed to be a person interested in the estate or lands to which such covenant restriction or condition is attached or proposed to be attached and the sum to be paid by the Corporation to such estate owner pursuant to subsection (1) of the said section shall be such sum by way of compensation for any loss or damage sustained by the estate owner by reason or in consequence of the removal regulation or imposition of the covenant restriction or condition as may be agreed between the Corporation and the estate owner or as failing such agreement shall be determined by arbitration in manner provided by subsection (1) of the said section :

(3) If the Corporation—

(a) require as a condition of their approval of a plan submitted by the estate owner pursuant to subsection (1) of the section of this Act of which the marginal note is "Frontage line in new streets" the setting back of the building line shown on the plan to a greater distance from the centre of a new street than the distance so shown; or

(b) pursuant to subsection (2) of the said section prescribe the building line to be observed in any part of a street belonging to the estate owner at a greater distance from the centre of the street than shall be reasonably approved by the estate owner;

they shall make compensation to the estate owner for any loss or damage sustained by him by reason or in consequence of such requirement or prescription and in any such case the provisions of subsection (5) of the said section shall not apply to the estate owner. The amount of such compensation (in default of agreement): and any question as to the



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reasonableness or otherwise of any withholding of approval by the estate owner under paragraph (b) of this subsection shall be determined in accordance with subsection (7) of the said section :

- (4) Where the Corporation propose to make an order under the section of this Act of which the marginal note is " Prohibition of use of unsuitable land for erection of dwelling-houses " with reference to any land belonging to the estate owner they shall on or before the date of the advertisement referred to in subsection (2) of the said section serve on the estate owner by registered post addressed to his last known place of abode a copy of that advertisement and of the proposed order and if such proposed order be approved by the Minister in accordance with the said section the Corporation shall on or before the date of the advertisement referred to in subsection (7) of the said section serve on the estate owner by registered post as aforesaid a copy of that advertisement and of the order as approved by the Minister :
- (5) Notwithstanding anything contained in the section of this Act of which the marginal note is " Preservation of trees " the Corporation shall not under that section register any tree or group of trees growing on any part of so much of the lands coloured pink on the signed plan as is edged blue.

**241.** For the protection of the Worksop Gas Company (in this section referred to as " the company ") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the company and the Corporation apply and have effect (that is to say) :—

For protec-  
tion of  
Worksop  
Gas Com-  
pany.

- (1) In this section " apparatus " means and includes all or any mains pipes syphons tubes meters fittings or other apparatus belonging to the Company :
- (2) (a) Not less than twenty-eight days before commencing any of the works authorised by

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the sections of this Act of which the marginal notes are respectively—

“ Power to construct electrical substations under streets ”;

“ Application of Waterworks Clauses Act 1847 ”;

“ Meters in streets to measure water or detect waste ”;

“ As to baths and bathing pools ”; and

“ Power to erect weigh-bridges ”

in or under any street or highway in which any apparatus is situate the Corporation shall deliver to the company plans sections and particulars of such works and the company may within twenty-eight days after the receipt of such plans sections and particulars give notice to the Corporation of any objections which they may have to the construction of the works or to the proposed position thereof or of any conditions which should apply in regard to the construction of such works whether by reference to the effect of such works upon any existing apparatus or upon any apparatus which it may be necessary for the company to lay within a reasonable time after the delivery of such plans sections and particulars;

(b) Unless an agreement shall be arrived at between the Corporation and the company with reference to the matters to which any such notice by the company relates a difference shall be deemed to have arisen between them which shall be determined by arbitration as hereinafter in this section provided;

(c) The Corporation shall not execute in any such street or highway as aforesaid any works under the powers of the said sections otherwise than as may be agreed between the Corporation and the company or determined by arbitration as aforesaid :

(3) (a) In any case where under the powers of the section of this Act of which the marginal

note is "Adjustment of boundaries of streets" the Corporation propose to give up or convey to an owner of land any part of a street in or under which any apparatus is laid or placed the Corporation shall (in addition to any notices given by them pursuant to the said section) give notice in writing to the company of the proposal and to such owner of the existence of such apparatus and notwithstanding any agreement entered into or grant or conveyance executed by the Corporation under that section but subject as hereinafter in this subsection provided the company shall continue to have the same powers and rights in respect of such apparatus as if the land in or under which the same is laid or placed had continued to be part of the street :

Provided that—

(i) the Corporation may by such notice to the company and the owner may by notice in writing to the company given within fourteen days after receipt of any notice given to him by the Corporation under this subsection require the company to alter and the company if so required shall alter; or

(ii) the company may if they notify the Corporation and the owner within fourteen days after receipt of any notice given to the company by the Corporation under this subsection of their intention so to do alter

the position of any such gas apparatus to such position in and such depth below the footway or carriageway of the street as altered under the provisions of the said section of this Act as the Corporation may reasonably approve;

(b) Whenever the Corporation in the exercise of the powers of the section of this Act of which the marginal note is "Power to determine width of carriageways and footways" shall add to the carriageway of a street any portion of the footway in or under which any apparatus is for the time being situate the company may

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and shall if so required by the Corporation alter the position of such apparatus to such depth below the surface of the carriageway or to such other position in the street (whether under the carriageway or footway) as the Corporation may reasonably approve;

(c) Any expenses reasonably incurred by the company in effecting any alteration of any apparatus under and in accordance with the provisions of this subsection (including the reasonable cost of and incidental to the cutting off of any apparatus from any other apparatus of the company and of and incidental to any other works or things rendered necessary or expedient in consequence of the alteration) shall on demand be repaid to them by the Corporation:

- (4) The Corporation in executing any work under the provisions of this Act shall make good all damage done by them to any apparatus and shall make full compensation to the company for any loss damage costs or expenses which they may sustain by reason of any interference with any apparatus or the access thereto or with the private communication or service pipes of any person supplied by the company with gas;
- (5) If any fire alarm (which is in this subsection included in the term "structure") erected or fixed by the Corporation under the powers of the section of this Act of which the marginal note is "Fire alarms" is situate over any apparatus laid or placed before the erection or fixing of such structure and the company give to the Corporation notice in writing of their desire to obtain access to such apparatus the Corporation shall either remove such structure or so much thereof as shall be required to be moved in order to afford such access or (if the Corporation determine not to remove such structure or any part thereof) bear any additional expense due to the existence of such structure which may be reasonably incurred by the company in obtaining such access:

(6) When the Corporation under the powers of this Act temporarily stop up or interfere with any street they shall provide reasonable access for the officers and servants of the company for the purpose of enabling them to inspect repair and renew any apparatus or to lay any new apparatus : A.D. 1933.

(7) The provisions of the sections of this Act of which the marginal notes are respectively :—

“ As to dangerous buildings ” ;

“ Byelaws as to alterations of buildings ” ;

“ Extension of section 157 of Public Health Act 1875 ” ;

“ Further power to make byelaws as to new buildings ” ;

“ As to restriction of air space ” ;

“ Power to order alteration of chimneys ” ;

“ Height of chimneys ” ;

“ Attachment of lighting brackets and wires to buildings ” ;

shall not extend or apply to any structure building erection or premises (not being a dwelling-house office or showroom) chimney or land belonging to the company and used or intended to be used primarily for the purposes of their undertaking under the provisions of any Act of Parliament or Order :

(8) (a) If any difference shall arise between the Corporation and the company under this section (other than a difference as to the meaning or construction of this section) such difference shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed upon the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination ;

(b) In settling any difference under this section the arbitrator shall have regard to

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any duties or obligations which the company may be under in respect of their apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with any purpose for which the apparatus of the Company is used.

Costs of Act.

**242.** 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 the general rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the  
foregoing Act.

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THE FIRST SCHEDULE.

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FORM OF MORTGAGE.

BOROUGH OF WORKSOP.

By virtue of the Worksop Corporation Act 1933 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Worksop (hereinafter referred to as "the Corporation") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the accountant of the Corporation by (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of \_\_\_\_\_ per centum per annum from the \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_ until payment of the principal sum such interest to be paid half-yearly on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year And it is hereby agreed that the principal sum shall be repaid at the offices of the Corporation [(subject as hereinafter provided) on the \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_ or (if not repaid on that date) at any time thereafter on the expiration of six calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by \_\_\_\_\_]:

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

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A.D. 1933. — whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their common seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_

FORM OF TRANSFER OF MORTGAGE.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_



THE SECOND SCHEDULE.

A.D. 1933.

PROVISIONS AS TO WORKSOP CORPORATION BONDS.

1. Bonds shall be secured on the revenues of the Corporation and any moneys borrowed by means of bonds shall be principal moneys.

2. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

3. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

4. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the town hall Worksop on the dates specified in the bonds or the certificate issued in respect thereof and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

5.—(1) The accountant shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

6.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

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(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.

PER CENT. WORKSOP CORPORATION BOND.

This is to certify that

of \_\_\_\_\_ is the  
registered holder of a bond for \_\_\_\_\_ pounds  
issued by the corporation of Worksop and repayable at  
par on the \_\_\_\_\_ day of \_\_\_\_\_  
at the town hall Worksop.

Signed

Accountant.

Date

7. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

8.—(1) The transfer of a Corporation bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

PER CENT. WORKSOP CORPORATION BOND[S].

I

in consideration of the sum of \_\_\_\_\_  
paid by \_\_\_\_\_ (hereinafter called  
“the transferee”) do hereby assign and transfer to the  
transferee :—

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the transferee do hereby agree to accept and take the said bond[s] subject to the conditions aforesaid.

As witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_

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(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Worksop Corporation bonds" (hereinafter called "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

9. The Corporation may close the register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September respectively in any year and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

10.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

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11.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

12. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation for registration.

13. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

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

15. No notice of any trust shall be entered in the register or in any other book kept by the Corporation or be receivable by the Corporation.

16.—(1) If at any time any interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes for which he was appointed and shall pay any balance remaining in his hands into the general rate fund.

THE THIRD SCHEDULE.

A.D. 1933.

REDUCTION OF PROPORTION OF SUPERANNUATION  
ALLOWANCE ALLOCATED TO WIFE.

Age of wife at husband's age of 65.	Rate per centum of reduction.
64	$3\frac{1}{2}$
63	$6\frac{1}{2}$
62	$9\frac{1}{4}$
61	12
60	$14\frac{1}{4}$
59	$16\frac{1}{2}$
58	$18\frac{1}{2}$
57	$20\frac{1}{2}$
56	$22\frac{1}{4}$
55	24

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