

[26 GEO. 5. &  
1 EDW. 8.]

*Hereford*  
*Corporation Act, 1936.*

[Ch. cxiii.]



## CHAPTER cxiii.

An Act to extend the limits within which the mayor aldermen and citizens of the city of Hereford may supply water and gas to confer further powers upon the said mayor aldermen and citizens with reference to their water gas and markets undertakings to make further provision with regard to the health local government and improvement of the city and for other purposes. A.D. 1936.

[31st July 1936.]

**W**HEREAS the city of Hereford (in this Act called "the city") is under the local government of the mayor aldermen and citizens of the city (in this Act called "the Corporation"):

And whereas by the Hereford Improvement Act 1854 the Corporation were authorised to construct the waterworks described in that Act and to supply water within the city and the suburbs and liberties thereof: 17 & 18 Vict.  
c. xxxi.

And whereas in order to protect their water supply which is derived from the river Wye it is expedient to enact the provisions which are contained in this Act:

And whereas it is expedient to extend the limits within which the Corporation may supply water and to confer further powers upon them with reference to their water undertaking:

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And whereas by the said Act of 1854 the Corporation and the Hereford Gaslight and Coke Company were authorised to make and carry into effect contracts and agreements for the purchase or other acquisition by or lease to the Corporation of the gasworks and other property of the said company and provision was made for the carrying on by the Corporation of the gas undertaking of the company if and when the same should be purchased or acquired by or leased to them :

And whereas the Corporation duly acquired the gasworks and other property of the said company and are supplying gas within the city and it is expedient to extend the limits within which the Corporation may supply gas as by this Act provided and to confer further powers upon them with reference to their gas undertaking :

And whereas in pursuance of powers conferred upon them by Parliament by means of the said Act of 1854 and subsequent enactments the Corporation are carrying on a markets undertaking and it is expedient to make further provision with reference to that undertaking as in this Act provided and to confer further powers upon the Corporation with reference thereto and in connection therewith :

And whereas it is expedient to make further provision with regard to camping grounds streets and buildings in the city and that the powers of the Corporation in relation to the health local government and improvement of the city be enlarged as by this Act provided :

And whereas it is expedient to confer further powers upon the Corporation with reference to the acquisition retention disposal and development of lands :

And whereas it is expedient to provide for the establishment of a consolidated loans fund by the Corporation and to make further provision with regard to the finances of the Corporation and the application of the revenues of their several undertakings :

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

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

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And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :— A.D. 1936.

The reconstruction and replacement of waterworks authorised by the Hereford Improvement Act 1854	£ 33,000
Filtration plant	15,000
Water mains and other waterworks purposes	10,000

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed :

23 & 24  
Geo. 5  
c. 51.

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.

1. This Act may be cited as the Hereford Short title. Corporation Act 1936.

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

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—Water.

Part III.—Gas.

Part IV.—Markets.

Part V.—Streets buildings sewers and drains.

Part VI.—Sanitary provisions.

Part VII.—Camping grounds &c.

Part VIII.—Financial provisions.

Part IX.—Miscellaneous provisions.

A.D. 1936.

Incorporation of  
Acts.

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

8 & 9 Vict.  
c. 18.

(i) The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845;

10 & 11 Vict.  
c. 17.

(ii) The Waterworks Clauses Act 1847 except—

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

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) section 83 (with respect to the yearly receipt and expenditure of the undertakers);

26 & 27 Vict.  
c. 93.

(iii) The Waterworks Clauses Act 1863 except section 16;

10 & 11 Vict.  
c. 15.

(iv) The Gasworks Clauses Act 1847 except—

(a) sections 30 to 37 (with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit); and

(b) section 38 (with respect to the yearly receipt and expenditure of the undertakers);

34 & 35 Vict.  
c. 41.

(v) The Gasworks Clauses Act 1871 except sections 7 8 and 28 to 35;

10 & 11 Vict.  
c. 14.

(vi) The Markets and Fairs Clauses Act 1847 except sections 12 31 32 and 50.

(2) For the purposes of the incorporation of the aforesaid Acts and parts of Acts the following provisions shall have effect:—

(i) The several expressions “the promoters of the undertaking” “the undertakers” “the company” and “the commissioners” where used in any of those Acts shall mean the Corporation;

- (ii) The expression "the limits of the special Act" and any like expression where used in the Waterworks Clauses Act 1847 and in the Gasworks Clauses Act 1847 shall mean the water limits or the gas limits (as the case may be) as defined in this Act; A.D. 1936.
- (iii) The expressions "the limits of the special Act" and "the prescribed limits" and any like expressions where used in the Markets and Fairs Clauses Act 1847 shall mean the city.

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

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

- "The city" means the city of Hereford;
- "The Corporation" means the mayor aldermen and citizens of the city;
- "The council" means the council of the city;
- "The mayor" "the town clerk" "the treasurer" "the surveyor" "the medical officer" and "the sanitary inspector" mean respectively the mayor the town clerk the treasurer the surveyor the medical officer of health and any sanitary inspector of the city;
- "The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the city;
- "The water limits" means the limits within which the Corporation are for the time being authorised to supply water;
- "The existing water limits" means the limits within which the Corporation are immediately before the passing of this Act authorised to supply water;
- "The gas limits" means the limits within which the Corporation are for the time being authorised to supply gas;

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“ The existing gas limits ” means the limits within which the Corporation are immediately before the passing of this Act authorised to supply gas ;

“ The added water limits ” and “ the added gas limits ” mean the several areas described respectively in the First and Second Schedules to this Act and more particularly delineated upon the maps which are respectively signed in triplicate by the Right Honourable Robert Croft Bourne the chairman of the committee of the House of Commons to which the Bill for this Act was referred one copy of each of which maps has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office ;

“ The water undertaking ” “ the gas undertaking ” and “ the markets undertaking ” mean respectively the water undertaking the gas undertaking and the markets undertaking of the Corporation ;

“ The Corporation undertakings ” means the water undertaking the gas undertaking the markets undertaking and the cemeteries undertaking of the Corporation ;

“ The catchment board ” means the River Wye Catchment Board ;

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

41 & 42 Vict.  
c. 76.

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

9 & 10  
Geo. 5. c. 57.

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

38 & 39 Vict.  
c. 55.

“ The Act of 1892 ” means the Private Street Works Act 1892 ;

55 & 56 Vict.  
c. 57.

“ The Act of 1933 ” means the Local Government Act 1933 ;

- “ Daily penalty ” means a penalty for each day on which an offence is continued after conviction; A.D. 1936. —
- “ Poultry ” has the meaning assigned to it by section 1 of the Diseases of Animals Act 1935; 25 & 26 Geo. 5. c. 31.
- “ Food ” has the meaning assigned to it by section 34 of the Food and Drugs (Adulteration) Act 1928; 18 & 19 Geo. 5. c. 31.
- “ Statutory borrowing power ” includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any security of the Corporation; 38 & 39 Vict. c. 83.
- “ Authorised security ” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;
- “ Revenues of the Corporation ” includes the general rate fund and all rates Exchequer contributions and other revenues whether arising from land or undertakings or from any other source receivable by the Corporation;
- “ The registrar ” means the registrar of stock of the Corporation;
- “ The Minister ” means the Minister of Health;
- “ The Act of 1854 ” means the Hereford Improvement Act 1854.

A.D. 1936.

(3) If there be any discrepancy between the descriptions of the added water limits and the added gas limits which are contained in the First and Second Schedules to this Act and the maps referred to in this section the said maps shall prevail.

## PART II.

## WATER.

Power to purchase and hold lands and exercise powers for protection of waters.

5.—(1) The Corporation in addition to any other lands acquired or held by them in pursuance of the Act of 1854 or this Act may—

- (a) by agreement purchase take on lease acquire and hold for the purposes of the water undertaking any lands not exceeding (except with the consent of the Minister) twenty acres in extent or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Corporation deem necessary for those purposes;
- (b) for the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered from time to time to take by agreement purchase take on lease or otherwise acquire any lands easements or rights and hold such lands and any other lands which the Corporation may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes :

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor (without the approval of the Minister) erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.



(2) (a) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered from time to time to take from being polluted and the Corporation may for the purposes aforesaid with the consent of the road authority (which consent shall not be unreasonably withheld) carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

A.D. 1936.

(b) Any question as to whether any such consent as aforesaid is unreasonably withheld shall be determined by a single arbitrator to be appointed by agreement between the Corporation and the road authority or failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Acts 1889 to 1934 shall apply to any such determination.

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

6. The Corporation on selling any lands acquired by them in connection with the water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation  
of water  
rights &c.  
on sale.

A.D. 1936.

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Discharge  
of water  
into  
streams.

7.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any of the waterworks of the Corporation the Corporation may cause the water in any such waterwork to be discharged into any available river stream ditch or watercourse Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish Provided also that the Corporation shall not cause water to be discharged under the provisions of this section into any watercourse which is a channel forming part of a road repairable by the county council of the administrative county of Hereford in such a manner as to damage or injuriously affect such road or any approach or culvert so repairable.

(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 Arbitration Acts 1889 to 1934.

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

Application  
of Water-  
works  
Clauses  
Act 1847.

8. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in or across any streets or roads of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may erect or lay down for the purposes of the water undertaking Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or

32 & 33 Vict.  
c. 73.

with telegraphic communication by means of any such line. Provided also that the Corporation shall not construct lay down erect or maintain any discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any street road or bridge or approach belonging to or maintainable by any railway company without the consent in writing of such company which consent shall not be unreasonably withheld and shall be deemed to have been given if such company shall fail to signify their consent or dissent within twenty-one days after it shall have been applied for. Any question as to whether or not any such consent has been unreasonably withheld shall be referred to and determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

A.D. 1936.

9.—(1) The Corporation shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be their district.

As to  
application  
of Public  
Health  
Act 1875.

Provided that the exercise of the powers of this section in any street to which the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes apply shall be subject to those provisions.

(2) It shall not be necessary for the Corporation to obtain the report of the surveyor referred to in section 16 of the Public Health Act 1875 before exercising their powers under this section.

(3) The Corporation shall not exercise the powers conferred by this section on any lands or property of any railway company without the consent of such railway company which consent shall not be unreasonably withheld.

If any difference arises as to whether any consent is unreasonably withheld that difference shall be referred to arbitration.

A.D. 1936.

(4) For the purposes of section 52 of the Public Health Act 1875 the Corporation shall be deemed to be a water company within the meaning of that Act.

Meters in streets to measure water or detect waste.

10. 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 purpose 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 stopcocks 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 break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus :

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 :

Provided also that the Corporation shall not enter upon break up or interfere with the railways or works or any street or road or any electric lines wires or apparatus belonging to or maintained by any railway company without the consent of such railway company (which consent shall not be unreasonably withheld) or unreasonably interfere with or render less convenient the access to or exit from any railway station or railway depot.

Restriction on bathing in river Wye.

11. It shall not be lawful for any person without the consent in writing of the Corporation to bathe in any part of the river Wye which is situate within four hundred and forty yards measured up or within one hundred yards measured down the said river from the cut the making and maintenance of which is authorised by section LI (Power to make herein-named waterworks) of the Act of 1854 and which is described secondly in section LII of that Act and if any person shall bathe in contravention of this enactment such person shall for every such offence be liable to a penalty not exceeding five pounds Provided that a person shall not be convicted of an offence under this section if he proves that the act complained of was

committed without his knowing or having reasonable means of knowing that such act constituted such an offence. A.D. 1936.

**12.**—(1) The Corporation (if they think fit) may for the purpose of securing the proper flow of water to the cut referred to in the section of this Act of which the marginal note is “Restriction on bathing in river Wye” and protecting the same from injury or erosion with the consent of the catchment board (which consent shall not be unreasonably withheld) cleanse and dredge the river Wye and protect the banks thereof within the limits mentioned in the section of this Act whereof the marginal note is “Restriction on bathing in river Wye.” Cleansing  
of river.

(2) The Corporation shall make compensation to the owners lessees and occupiers of all or any parts of the river who may be injured by any cleansing or dredging operations carried out by the Corporation under the provisions of this section such compensation in case of difference to be settled in a summary way before two justices.

**13.**—(1) The Corporation may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water. Byelaws for  
preventing  
pollution  
of water.

(2) The byelaws made under this section shall be in force within so much of the parishes of Stretton Sugwas Eaton Bishop Clehonger and Breinton as may be defined in the byelaws.

(3) In addition to the requirements of section 250 of the Act of 1933 the Corporation shall exhibit in some conspicuous place in each of the said parishes in which the said byelaws are for the time being in force a copy of the notice referred to in that section and any landowner who may be affected by any such byelaws shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

(4) A copy of any such byelaws shall be sent to the clerk of the Hereford Rural District Council to the

A.D. 1936. — clerk of the Hereford County Council and to the clerk to the Wye Board of Conservators one month at least before application is made for their confirmation and before confirming the byelaws the Minister shall have regard to any representations thereon which may be made within the said month by the said rural district council the said county council or the said board of conservators.

(5) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local sanitary authority of the district in which such lands are situate and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Acts 1889 to 1934 and for the purposes of this subsection the expression "legal rights" shall include a user of land in respect of which the local authority might have taken proceedings under the Public Health Acts or under their byelaws but have decided not to do so having regard to the character or situation of the land.

(6) Notwithstanding anything in section 253 of the Public Health Act 1875 proceedings for any penalty imposed by any byelaw made under this section may be taken by the Corporation without the consent in writing of the Attorney-General.

Extension  
of water  
limits.

14.—(1) The limits within which the Corporation may supply water and exercise the powers in regard to the supply of water which are conferred upon them by the Act of 1854 and any subsequent enactment (including this Act) shall extend to and include (in addition to the city) the added water limits.

(2) Subject to the provisions of this Act the Corporation shall have and may exercise within the added water limits all and the like powers privileges and authorities for and in relation to the supply of water and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing water limits:

A.D. 1936.

Provided that subject to the provisions of the section of this Act of which the marginal note is "Charges for supply by hose-pipes" the Corporation shall be entitled to charge for water supplied for domestic and all other purposes to consumers in the added water limits such rates or charges (as the case may be) as the Corporation from time to time think fit but not exceeding by more than one hundred per centum the rates and charges which they are for the time being charging in respect of the supply of water to similar premises or for corresponding purposes (as the case may be) in the existing water limits :

Provided also that the rates which the Corporation may charge in respect of a supply of water for domestic purposes in pursuance of section LVIII (Water rates for domestic purposes herein named) of the Act of 1854 as amended by the section of this Act of which the marginal note is "Amendment of section LVIII of Act of 1854" and this subsection shall in no case exceed fourteen per centum on the yearly value of the house or part of a house supplied.

(3) The Corporation may continue maintain and use any water mains pipes and other works belonging to or vested in them at the date of the passing of this Act within the added water limits as if the same had been laid down or constructed under the powers of this Act and the provisions of the Act of 1854 and of any subsequent enactment (including this Act) relating to the supply of water by the Corporation shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Act.

**15.**—(1) The Minister if he is satisfied that the owners or occupiers of premises in any area outside the water limits desire to obtain a supply of water from the Corporation may on the application of the Corporation subject to the provisions of this section by order authorise the Corporation to supply water in any such area or any part thereof or to any premises therein on such conditions as may be specified in the order Provided that the water supplied by the Corporation in pursuance of the provisions of this section need not at any time be delivered at a pressure greater

Supply of  
water by  
Corporation  
to areas  
outside  
water  
limits.

A.D. 1936. than that to be afforded by gravitation from the reservoir from which the supply is taken.

(2) An order under this section may contain such provisions as in the opinion of the Minister are necessary in order to give full effect to the order and upon the granting of any such order the provisions of the Act of 1854 and this Act shall subject to any necessary modifications apply in relation to the laying of pipes for affording a supply of water in pursuance of such order and otherwise as if the water limits extended as far as and so as to include the area or premises to which such order relates.

(3) An order under this section shall not (unless in the opinion of the Minister consent is unreasonably withheld) be made except with the consent of the local authority within whose district and of any undertakers for the supply of water within whose limits of supply the area or premises to which a supply is proposed to be given is situate.

(4) (a) An order made under this section shall cease to have effect with respect to any area or any part thereof or any premises therein when the local authority within whose district or the undertakers for the supply of water within whose limits of supply such area or part thereof or such premises is or are situate are able and willing to supply water to such area or part thereof or premises as the case may be and give not less than one month's notice thereof to the Corporation.

(b) When such local authority or undertakers commence to supply water to any such area or part thereof or any premises therein in pursuance of this subsection they shall pay to the Corporation such portion of the expenditure incurred by the Corporation within such area or part thereof in the district of the local authority or within the limits of supply of the undertakers as the case may be in giving a supply to such area or part thereof or premises therein as may be agreed or failing agreement as may be determined by the arbitration of a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.



[26 GEO. 5. &  
1 EDW. 8.]

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16. Section 35 of the Waterworks Clauses Act 1847 shall in its application to the Corporation be read and construed as if the words "one eighth part" were substituted therein for the words "one tenth part."

A.D. 1936.

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Amendment of  
section 35 of  
Waterworks  
Clauses Act  
1847.

17.—(1) A local authority any part of whose district is within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such local authority and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any main pipe or works for the supply of water within any part of such district which is within the water limits.

Guarantees  
by local  
authorities.

(2) Subject to the provisions of subsections (4) and (5) of section 190 of the Act of 1933 any expenses incurred by a rural district council in pursuance of this section shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

18.—(1) The proviso to section LVIII (Water rates for domestic purposes as herein named) of the Act of 1854 is hereby repealed.

Amend-  
ment of  
section  
LVIII of  
Act of 1854.

(2) The said section LVIII shall be read and have effect as if the words "seventy-five" were inserted therein instead of the word "seventy" wherever that word occurs.

19.—(1) Where the yearly value of a house does not exceed thirteen pounds or the house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered by the Corporation from the occupier and may if so recovered and if the occupier be not himself liable for the water rate under any lease or agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due

Rates  
payable by  
owners of  
small  
houses.

A.D. 1936. from him subsequent to the service upon him of a notice to pay the rate.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall *mutatis mutandis* extend and apply to any payments made under this section by the owner of any house and as if that section applied in the case of any lease or agreement whether made before or after the commencement of this Act.

Recovery  
of charges  
for water  
supplied by  
agreement.

20. Any moneys payable for or in respect of water supplied by the Corporation under section LIX (Water may be supplied by agreement) of the Act of 1854 shall be recoverable in the same manner as water rates.

Supply to  
houses  
partly  
used for  
trade &c.

21.—(1) Without prejudice to the provisions of section LXV (Supply of water for public purposes) of the Act of 1854 the Corporation shall not be bound to supply with water otherwise than by meter—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade business or manufacturing purpose for which water is required;
- (b) any hospital (whether public or private) or sanatorium;
- (c) any club hotel assembly hall restaurant public-house inn or common lodging-house;
- (d) any boarding-house or public institution capable of accommodating at least twelve persons including the persons usually resident therein; or
- (e) any school.

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this subsection shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by or in pursuance of the Act of 1854 as amended by this Act.

(3) If the owner or occupier of any farm premises within the water limits 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 if and so long as the arrangements for taking and using such supply are approved by the Corporation 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. A.D. 1936.

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

22.—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or other premises where horses carriages or motor cars are kept the Corporation may if a hose-pipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty-five shillings per annum either within the existing water limits or within the added water limits as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum either within the existing water limits or within the added water limits for each motor car beyond the first. Charges for supply by hose-pipes.

(2) Any sums chargeable under this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(3) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by

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him by means of a hose-pipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of such hose-pipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

(4) The provisions of this section are in addition to and not in derogation of the provisions of section LVII (What are not domestic purposes) of the Act of 1854.

Charges for  
supplies for  
refrigerating  
apparatus  
&c.

**23.**—(1) Where a person who takes a supply of water for domestic purposes from the Corporation otherwise than by measure desires to use any of the water so supplied for—

- (a) a water-cooled refrigerating apparatus; or
- (b) any apparatus depending while in use upon a supply of continuously running water; or
- (c) any apparatus used for softening water which requires water for cleaning regenerating motive power or similar purposes;

the Corporation may if they think fit require that all water so used shall—

- (i) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings within the existing water limits; or
- (ii) be paid for at such rates as may be agreed between such person and the Corporation.

(2) No charge shall be made under this section in respect of an apparatus used within the premises for which the supply of water is taken for softening water if one such apparatus only is used and the water softened thereby can be drawn off into a receptacle at one point only and is used solely for purposes for which the domestic rate is paid.

Price of  
water  
supplied by  
meter.

**24.** The price to be charged by the Corporation for a supply of water by meter shall not within the existing water limits exceed one shilling and sixpence per thousand gallons Provided that except as by this

[26 GEO. 5. &  
1 EDW. 8.]

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Act otherwise expressly provided the Corporation shall be entitled to charge a minimum sum of fifteen shillings in any quarter of the year for water supplied by meter.

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25. Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purposes of determining the amount of the water rate chargeable by the Corporation in respect of any supply of water for domestic purposes furnished by the Corporation to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a yearly value (within the meaning of section LVIII (Water rates for domestic purposes as herein named) of the Act of 1854) equal to the aggregate yearly values of the separate houses or buildings or parts of houses or buildings so occupied.

As to gross value of two or more houses in one occupation.

26.—(1) Subject to the provisions of subsection (2) of the section of this Act of which the marginal note is "Extension of water limits" the Minister may if he thinks fit from time to time on the application of the Corporation or of twenty consumers of water supplied by the Corporation by order vary either by way of increase or decrease the rates and charges for the supply of water which the Corporation are by the Act of 1854 and this Act authorised to charge Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will provide a reasonable sum as a contribution towards a reserve fund in respect of the water undertaking so long as such fund does not amount to the maximum prescribed in relation to that fund in pursuance of the section of this Act of which the marginal note is "Application of revenue of undertakings."

Revision of water rates.

(2) Any order made by the Minister in pursuance of the foregoing provisions of this section may provide for the alteration of the basis of the rates and charges for the supply of water which the Corporation are for the time being authorised to charge and may fix the date upon which any such variation as is referred to

A.D. 1936. in subsection (1) of this section or any such alteration as is referred to in this subsection shall come into force.

(3) In the absence of exceptional reasons the Minister shall not vary the rates and charges which the Corporation are for the time being authorised to charge at less intervals than five years.

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

27.—(1) Any water rate or charge payable to the Corporation may be collected together with the general rate.

(2) The Corporation may demand water rates and charges by half-yearly instalments in advance on the first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

(3) If the Corporation exercise the powers of subsection (2) of this section—

(a) every person liable to the payment of such rate or charge who shall cease to occupy 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 ceases to occupy 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. The water rate or charge or any part thereof respectively payable by any such person in respect of any such premises and unpaid when he ceases to occupy the same shall become payable and be recoverable immediately upon his ceasing to occupy such premises;

(b) 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.

(4) (a) The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding five per centum on the amount due in respect of any water rate or charge or any instalment thereof from every person who pays the same within such time after demand of the rate or any instalment thereof as the case may be as the Corporation may prescribe.

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(b) Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rate or charge or any instalment thereof shall be demanded.

(c) If and so long as the Corporation allow such discount notice of the effect of this enactment shall be endorsed on every demand note for water rates and charges.

28.—(1) The Corporation may make byelaws—

Byelaws for  
preventing  
waste &c.  
of water.

(a) for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature material workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination; and

(b) as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Such byelaws shall apply only in the case of premises to which the Corporation afford or are prepared on demand to afford a constant supply of water.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their

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duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rates in respect of the premises are recoverable.

(4) Any person who shall forge or counterfeit any stamp or mark used by the Corporation or by the authority of the Corporation for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

(5) Nothing in this section or in any byelaw made thereunder shall apply to any water fittings used on any premises (not being or being used as a hotel or dwelling-house) belonging to and forming part of the railway of a railway company.

Cisterns  
to be  
provided  
for high  
level  
supplies.

**29.** The Corporation may require that any dwelling-house the erection of which is commenced after the passing of this Act and situate on land at a higher level than fifty feet below any part of the service reservoir from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Corporation shall not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Cleansing  
of cisterns.

**30.** The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles in the water limits for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing food or drink for the use of man.

Extension  
of power to  
inspect  
premises.

**31.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the surveyor or any person duly authorised by him in writing may at all reasonable times between the hours of seven and nine in the morning and also



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between the hour of four 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 the surveyor or such authorised person from entering either under the said section 57 or under this section or making such examination as aforesaid 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 also be liable to a penalty under this section.

**32.** 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 surveyor or other officer duly authorised in that behalf by the Corporation.

Main-  
tenance of  
common  
pipe.

**33.**—(1) The Corporation shall not be bound to supply with water more than one house or part of a house occupied as a separate tenement 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 or part of a house occupied as a separate tenement supplied by them with water.

Separate  
communi-  
cation  
pipes may  
be required.

(2) If the owner of any house or part of a house occupied as a separate tenement which is supplied with water by the Corporation when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main into such house or part of a house the Corporation may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing.

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As to com-  
munication  
pipes.

**34.**—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain or repair any pipe or apparatus used for the supply of water from the waterworks of the Corporation the person liable to maintain or repair the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes subject nevertheless to the conditions imposed by those sections.

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

Corporation  
to connect  
communi-  
cation pipes  
with mains.

**35.** Notwithstanding anything in any Act 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 or service 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 (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) 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.

Power to  
sell meters.

**36.** The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Injuring  
meters &c.

**37.**—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for

[26 GEO. 5. &  
1 EDW. 8.]

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measuring water or any fitting belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained.

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(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fitting belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fitting is under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use (as the case may be) has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fitting.

**38.**—(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

As to  
register of  
meters.

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rate is charged and sought to be recovered by the Corporation.

(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 by a court of summary 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 used by a consumer of water be proved to register erroneously such erroneous registration shall be deemed to have first arisen at the beginning of the then current quarter of the year unless it be proved to have first arisen during the then current quarter. 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.

Notice to  
Corpora-  
tion of  
connecting  
or dis-  
connecting  
meters.

**39.** Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice of  
discon-  
tinuance.

**40.** A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation.

Power to  
supply  
water  
fittings.

**41.—**(1) The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter (but shall not manufacture) any such pipes valves cocks cisterns

baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

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(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Corporation on hire as aforesaid 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 removable by the Corporation. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows :—

(a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of money so borrowed);

(b) When a demand note delivered by the Corporation to a consumer includes a sum charged by the Corporation in respect of providing such fittings or the fixing

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repairing or removal thereof such sum shall be clearly stated in such demand note;

- (c) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

As to  
recovery  
summarily  
of sums due  
for fittings.

42. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of water any other sum due or payable to the Corporation in respect of the sale or hire of any fittings supplied by them for or in connection with the supply of water or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

Penalty for  
interfering  
with valves  
&c.

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

Penalty for  
closing  
valves and  
apparatus.

44. 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 the valve fixed on his communication pipe.

[26 GEO. 5. &  
1 EDW. 8.]

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45. The Corporation by their agents or workmen after forty-eight hours' notice in writing under the hand of the surveyor 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.

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Power to  
remove  
meters and  
fittings.

### PART III.

#### GAS.

46.—(1) The limits within which the Corporation may supply gas and exercise the powers in regard to the supply of gas which are conferred upon them by the Act of 1854 and any subsequent enactment (including this Act) shall extend to and include (in addition to the city) the added gas limits.

Extension  
of gas  
limits.

(2) Subject to the provisions of this Act the Corporation shall have and may exercise within the added gas limits all and the like powers privileges and authorities for and in relation to the supply of gas and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing gas limits.

(3) The Corporation may continue maintain and use any gas mains pipes or other works belonging to or vested in them at the date of the passing of this Act within the added gas limits and the provisions of the Act of 1854 and of any subsequent enactment (including this Act) relating to the supply of gas by the Corporation shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Act.

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Supply to  
premises  
partly  
without gas  
limits.

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

Provided that the Corporation shall not supply gas under this section to any premises within the limits of supply of any other local authority company or person authorised to supply gas without the consent of such local authority company or person as the case may be which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Board of Trade.

Power to  
lay pipes  
for  
ancillary  
gas  
purposes.

48. The Corporation may within the gas limits lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with the gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable to the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof :

Provided that no such main pipe or culvert shall be laid down in any street without the consent in writing of the authority or body who may be liable to maintain the same having been first obtained but such consent shall not be unreasonably withheld and any difference arising between the Corporation and such authority or body shall be determined by arbitration in accordance with the provisions of the Arbitration Acts 1889 to 1934.

Power to  
compel  
repairs in  
case of  
danger.

49.—(1) If the Corporation shall at any time serve notice upon any consumer in the city to the effect that an officer or servant of the Corporation has reported after inspection of any piping or gas-consuming appliance or fitting on such consumer's premises that he is of opinion that any such piping or gas-consuming appliance or fitting is in such a condition as to be



dangerous such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger. If the consumer shall fail forthwith to carry out such works as aforesaid the Corporation may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Corporation shall think fit. Any expenses lawfully incurred by the Corporation in cutting off the gas from such premises may be recovered by the Corporation from such consumer summarily as a civil debt.

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(2) For the purpose of this section the Corporation shall have and may exercise the like powers of entry as are exercisable under section 21 of the Gasworks Clauses Act 1871 as extended by this Act.

(3) The Corporation shall not under the powers of this section stop the gas from entering any premises of a railway company (not being a dwelling-house) until after they have given such company a reasonable notice of their intention to do so.

50.—(1) For the purpose of supplying gas to any premises to which the Corporation are for the time being authorised to supply gas the Corporation may lay down place maintain and use pipes in order to connect such premises to a service pipe already laid by the Corporation for the purpose of affording a supply of gas to adjoining premises and for that purpose may cut or otherwise interfere with any party wall or fence to such premises and adjoining premises doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers.

Power to lay connecting pipes in certain cases.

(2) For the purposes of this section the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in any enactment relating to the gas undertaking.

(3) The provisions of this section shall not apply to any premises (not being a dwelling-house) belonging to a railway company.

51. In addition to the powers conferred upon them by section 4 of the Gas Undertakings Act 1929 the Corporation may purchase and may sell liquid butane or liquid propane or any other similar liquid which is intended to be converted into gas and which is derived

Extension of section 4 of Gas Undertakings Act 1929.  
19 & 20  
Geo. 5. c. 24.

A.D. 1936. from a process other than the process of carbonisation or gasification of coal or coke and may also use such liquid for the enrichment of gas supplied by them.

Power to purchase material for conversion of residual products.

**52.** Subject to the provisions of this Act the Corporation may for the purposes of the gas undertaking purchase from any source and use such material as is required to work up and convert any residual products arising directly or indirectly from the manufacture of gas by them or purchased by them under the powers conferred by section 4 of the Gas Undertakings Act 1929 as extended by the immediately preceding section of this Act.

Offices and showrooms.

**53.** The Corporation may in connection with and for the purposes of the gas undertaking provide fit up and maintain showrooms and offices and exhibit specimen installations machinery fittings and other apparatus appliances articles and things used in connection with the manufacture and consumption of gas and resulting from the manufacture of gas and give demonstrations of the uses to which gas can be put and may appoint and pay persons for the purposes aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of gas and may do all such other acts as they may deem expedient to assist develop or promote the use of gas within the gas limits.

Charges for special reading of meters.

**54.** When at the request of and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Corporation may levy and recover such charges as they think fit not exceeding one shilling for each such special reading.

For prevention of improper use of gas.

**55.** If any person supplied with gas by the Corporation improperly uses or deals with the same so as to interfere with the efficient supply of gas by the Corporation to any other person the Corporation may if they think fit cease to supply gas to such person.

Provision of gas meter testing station.

22 & 23 Vict.  
c. 66.

23 & 24 Vict.  
c. 146.

**56.**—(1) Notwithstanding anything contained in the Sale of Gas Act 1859 or the Sale of Gas Act 1860 the justices of the peace in and for the city may at any time after the passing of this Act by resolution adopt the said Acts of 1859 and 1860.

(2) The said justices may from time to time delegate any of their powers and duties under the said Acts or either of them (except the appointment or dismissal of an inspector or inspectors of gas meters) to a committee of their own body. A.D. 1936.

**57.**—(1) The Corporation's inspectors or servants shall at all reasonable times have access to and be at liberty to inspect take off remove test repair and replace gas meters which are the property of the Corporation and meanwhile to fix a substituted meter on the premises such inspection taking off removal testing repairing and replacing to be done at the expense of the Corporation. Inspection and testing of meters.

(2) The expense of changing and testing such a meter which at the request of the consumer has been tested in manner provided by regulations made by the Board of Trade under the Gas Regulation Act 1920 and has been found to register erroneously to a degree exceeding the degree permissible under the said regulations shall be borne by the Corporation but if the meter has been found not so to register erroneously shall be borne by the consumer.

**58.** The Corporation may purchase sell let for hire fix repair and remove engines stoves ranges pipes and other fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon. Power to supply fittings &c.

**59.** Any meters pipes stoves engines fittings apparatus and appliances (in this section referred to as "fittings") let for hire by the Corporation under any statutory powers 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 such premises at all times continue to be the property of and removable by the Corporation and shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be: Fittings to be removable by Corporation though fixed to soil.

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Provided that—

- (a) this section shall only apply to fittings marked or impressed with a sufficient brand or mark indicating the Corporation as the actual owners thereof;
- (b) nothing in this section shall affect the amount of the assessment for rating of any premises upon which any fittings are or shall be fixed.

As to  
charges for  
gas  
fittings &c.

**60.** If the Corporation commence proceedings for the summary recovery of a sum due to them for the supply of gas any other payment due to the Corporation by the same consumer for the sale hire connection repair or maintenance of meters pipes fittings apparatus and appliances for lighting heating or motive power may be included in the same summons and may be recovered summarily as a civil debt provided the amount due in respect thereof does not exceed twenty pounds.

Charges for  
prepayment  
meters.

**61.—(1)** (a) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be—

For a prepayment meter and fittings (including a cooking stove) three decimal six pence per therm;

For a prepayment meter and fittings (not including a cooking stove) three pence per therm.

(b) The charge for the hire of a prepayment meter without fittings shall be either a sum of money calculated according to the number of therms supplied (when the maximum charge shall be one decimal eight pence per therm) or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(c) The said charges shall include the providing letting fixing repairing and maintenance of the meter and fittings or of the meter (as the case may be) and the cost of collection and other costs incurred by the Corporation in connection therewith.

[26 GEO. 5. &  
1 EDW. 8.]

*Hereford  
Corporation Act, 1936.*

[Ch. cxiii.]

(2) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor. A.D. 1936.

62. Any person who for the purpose of operating any prepayment meter through which gas is supplied to him or to premises occupied by him frequently or habitually uses any thing other than the coin of the realm by which such prepayment meter is designed and intended to be operated shall be liable to a penalty not exceeding forty shillings. Extension of section 38 of Gasworks Clauses Act 1871.

63. Notices and demand notes orders or other documents in respect of charges leviable by and due to the Corporation for gas supplied by them may be served in the same manner as notices demand notes orders and other documents under the Rating and Valuation Act 1925 are by section 59 of that Act authorised to be served. Service of gas notices and demand notes. 15 & 16 Geo. 5. c. 90.

64. The Corporation may subject to the provisions of this Act but only for the purposes of the gas undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein. Power to take licences for use of patents.

#### PART IV.

#### MARKETS.

65. In place of all or any of the tolls specified in the schedules to the Act of 1854 and the Hereford Order 1927 respectively the Corporation may demand and take stallages rents and tolls as if the markets of the Corporation had been established under the Public Health Acts and as if the market houses and market places and places for fairs made and provided by them in pursuance of the Act of 1854 and of any enactment amending or extending the same had been provided also under those Acts. Increasing market tolls &c. 17 & 18 Geo. 5. c. xxxviii.

A.D. 1936.

—  
Erection  
of offices  
shops &c.

**66.** The Corporation may erect or provide offices shops stores warehouses and other tenements or buildings for the purposes of or in connection with any of their markets and the markets undertaking but nothing in this section shall authorise the Corporation to erect any office shop store warehouse or other tenement or building in such manner as to infringe any existing legal rights of any owners lessees or occupiers of any land or property in the vicinity thereof.

Power to  
lease stalls  
shops &c.  
in markets.

**67.** The Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of any of the stalls standing places benches or other conveniences in their markets or in any market house or market place belonging to them or under their control to any person for any term not exceeding seven years and may grant leases (with a similar right) of any office shop store warehouse tenement cellar or building situate in any of their markets or forming part of or acquired or erected in connection with the markets undertaking including any premises not used for the time being in connection with the markets undertaking to any person for such term as the Corporation may think fit.

Use of  
market  
place for  
fairs and  
other  
purposes.

**68.** The Corporation may permit any market house market place or any land used for the purposes of any market of the Corporation or any open land belonging to them to be used for pleasure fairs or for public meetings public services and speaking and public lectures or for entertainments and dancing and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto but nothing in this section shall operate to prevent the holding of any market.

Use of  
market  
place for  
parking  
place.

**69.—(1)** The Corporation may permit any market place or any land used for the purposes of any market of the Corporation and any open land belonging to them to be used as a parking place for vehicles and they may make byelaws with respect to such use and as to the conduct of persons resorting thereto and may make such charges for such user as they may from time to time determine but nothing in this section shall operate to prevent the holding of any market.

[26 GEO. 5. &  
1 EDW. 8.]

*Hereford*  
*Corporation Act, 1936.*

[Ch. cxiii.]

(2) This section shall not apply to any part of a public highway. A.D. 1936.

**70.** If any tenant stall-holder or occupier shall not after any stallages rents or tolls have become due and payable to the Corporation in respect of any stall standing place bench cellar or other convenience in any market house market hall market place or fair belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stall standing place bench cellar or other convenience and re-let the same without prejudice to any other remedy for the recovery of such stallages rents or tolls. Power to take possession of stalls for non-payment of rent &c.

**71.** The Corporation may sell any cattle or other live stock or any other articles distrained upon in pursuance of section 38 of the Markets and Fairs Clauses Act 1847 in respect of which toll is payable and after deducting from the proceeds of sale the amount due to them together with the expenses of distraint and sale shall return the surplus if any to the person or persons to whom the cattle livestock or other articles belonged. As to sale of distrained goods.

**72.** Every person who for the purpose of evading or attempting to evade the payment of tolls makes a false declaration to the market superintendent or other authorised officer of the Corporation as to the number of animals or poultry or the number or weight of any goods brought by him into any market of the Corporation in any vehicle or otherwise shall be liable to a penalty not exceeding forty shillings. Penalty for false declaration.

**73.—(1)** The market superintendent of the Corporation any officer of the market the sanitary inspector or any constable may remove or exclude from any market of the Corporation any emaciated or diseased animal or poultry which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon is suspected by him to be affected with tubercular disease. As to emaciated or diseased animals.

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(2) The veterinary inspector or market superintendent of the Corporation or any officer of the market or the sanitary inspector or any constable may detain for a period not exceeding the hours of the market and three hours after the time fixed for the closing of the market on the day upon which such animal or poultry is so detained any emaciated or diseased animal or poultry brought to any cattle market of the Corporation and any person wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

Extension of  
sections 116  
to 119 of  
Public  
Health Act  
1875.

74.—(1) Any animal or poultry brought to any cattle market of the Corporation at which animals or poultry intended for food are in fact sold shall (unless the contrary be proved) be deemed to be deposited for the purpose of sale and intended for food within the meaning of sections 116 to 119 (relating to unsound meat &c.) of the Public Health Act 1875 and the provisions of those sections shall respectively apply to any such animal or poultry. Provided that animals or poultry deposited for the purpose of sale as store animals or poultry shall not (unless the contrary be proved) be deemed to be intended for food within the meaning of the above-mentioned sections of the Public Health Act 1875.

(2) Any person knowingly causing directing or permitting any animal or poultry which is diseased or unsound or unwholesome or unfit for food to be brought to any such market of the Corporation and any person (including any auctioneer) who offers for sale or sells any such animal or poultry knowing it to be diseased or unsound or unwholesome or unfit for food as well as the persons mentioned in section 117 of the Public Health Act 1875 shall be liable to a penalty as mentioned in the said section 117.

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

75. Every veterinary inspector of the Corporation who is a duly qualified veterinary surgeon may exercise for the purposes of the first subsection of the last preceding section of this Act in relation to any animal or poultry brought to any cattle market of the Corporation the powers of section 116 of the Public Health Act 1875 in the same manner as the medical officer or the sanitary inspector and the Public Health Acts shall apply within



the said cattle markets as if such veterinary inspector were mentioned in the said section 116 in addition to the medical officer and the sanitary inspector. A.D. 1936. —

**76.** The Corporation may provide and maintain automatic machines for weighing persons in the market houses market places and places for fairs belonging to them or under their control and in public baths and on other premises belonging to the Corporation and may charge for the use thereof. Corporation may provide automatic weighing machines.

#### PART V.

##### STREETS BUILDINGS SEWERS AND DRAINS.

**77.—(1)** The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street within the city 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 : Adjustment of boundaries of streets.

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 city and if during such period of one month any four inhabitant householders of the city 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.

(2) Any four inhabitant householders of the city 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 the proviso to subsection (1) of this section.

A.D. 1936.

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

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

(6) In any case where the adjustment of the boundary of any street under the provisions of this section would cause any mains pipes or apparatus (in this subsection referred to as "apparatus") of the Shropshire Worcestershire and Staffordshire Electric Power Company (hereinafter called "the company") which are under the footway of any street to be under the carriageway thereof or cause any such apparatus which is under the footway or carriageway of any street to cease to be under such footway or carriageway or would otherwise affect any such apparatus the Corporation shall before any such adjustment is effected give notice in writing to the company of the proposed adjustment and thereupon notwithstanding any agreement made by the Corporation otherwise than with the company with reference to any such matters the company shall continue to have the same powers and rights in respect of any such apparatus as they had immediately before such adjustment:

Provided that—

(a) the Corporation may by such notice require the company to alter and the company when so required shall alter the position of any such apparatus; or

(b) the company may if they notify the Corporation within the period of one month after the receipt by them of such notice of their intention so to do alter the position of any such apparatus;

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—

and any expense reasonably incurred by the company in effecting the alteration of the position of any such apparatus (but not of the substitution of new apparatus for existing apparatus unless reasonably necessary by reason of the alteration) shall be repaid to them by the Corporation.

**78.**—(1) It shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street any work for the admission of light through such pavement to any room or premises situate under or adjoining the pavement (in this section referred to as “pavement lights”) without the consent of the Corporation.

As to  
pavement  
lights.

(2) The Corporation may require that in consideration of their giving their consent to the construction of any pavement lights the owner or occupier shall give such undertaking in regard to the construction maintenance repair and removal of the pavement lights and in regard to accidents loss or damage to persons or property by or by reason thereof as they may require.

(3) Any agreement entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof is hereby confirmed.

**79.**—(1) No person shall without the consent of the Corporation erect or place against or in front of any house or building any projection for advertising purposes (a) which extends for more than two feet over any street or (b) which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

Projecting  
signs.

(2) The consent of the Corporation under this section shall not be withheld except on the ground that in their opinion the projection would be objectionable by reason of its size construction or situation or would be a danger or an injury to the amenities of the street

A.D. 1936. — and such consent may be given subject to such terms and conditions as the Corporation may think fit.

(3) Any person who offends against the provisions of this section or the terms or conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) (a) Any person aggrieved by the withholding by the Corporation of any consent under the provisions of this section may within fourteen days from the date of the decision of the Corporation appeal to a court of summary jurisdiction.

(b) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the court shall have power to make such order in the matter of the appeal as the court may think fit and to award costs.

Banners  
signs &c.  
over  
streets.

80.—(1) If it appears to the Corporation that any banner streamer notice board sign or lettering suspended across any street or hung over any part of the carriageway of a street whether before or after the date of the passing of this Act for the purposes of advertisement or announcement is 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 or any part of which it is suspended or hung they may by notice in writing require the owner of or person responsible for the suspension or hanging of such banner streamer notice board sign or lettering to remove it within such period not being less than seven days as may be specified in the notice.

(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 notice board 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 notice board 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 notice board sign or lettering and any expense incurred by them in so doing may be recovered by them. A.D. 1936.

(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 notice board sign or lettering as is referred to in subsection (1) hereof which was in use on the twenty-sixth day of November nineteen hundred and thirty-five.

(4) Any person aggrieved by any requirement of any notice of the Corporation under this section or the withholding of permission by the Corporation or the conditions attached to any such permission under the provisions of this section may appeal to a court of summary jurisdiction within fourteen days after the date of such notice or the intimation to him of such withholding or of the attaching of such conditions and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as the court shall deem just. Notice of the right to 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.

**81.**—(1) Any person erecting setting up or placing any blind shade covering or awning over any footway shall so erect set up or place the same that no part thereof shall project over any part of the footway which is less than one foot from the outer edge of the kerb of such footway. Window blinds &c.

(2) Every such blind shade covering or awning shall be constructed and maintained so as to secure to the satisfaction of the Corporation the safety and convenience of the public.

(3) Every person who shall offend 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.

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—  
Power to  
place fences  
near school  
entrances  
&c.

**82.** The Corporation may from time to time place repair renew and maintain fences rails and posts on the sides of any footways or carriageways of roads not being highways repairable by the inhabitants at large within the city adjacent to the entrances to or exits from any schools parks recreation grounds or open spaces for the purpose of preventing danger from traffic along such carriageways to persons going to or coming from such schools parks recreation grounds or open spaces and may remove the same when the Corporation shall think fit.

Power to  
provide  
tubs for  
trees &c.

**83.** The Corporation may provide and maintain in any street (including the footway) in the city 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.

As to  
hoardings  
and similar  
structures.

**84.—(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 city—

(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.

15 & 16  
Geo. 5. c. 14.

51 & 52 Vict.  
c. 52.

(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

[26 GEO. 5. &  
1 EDW. 8.]

*Hereford*  
*Corporation Act, 1936.*

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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. A.D. 1936.

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

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

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the 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.

(4) The provisions of this section shall not apply to a wall (not being the wall of 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 wall is used or held by such company for railway purposes.

**85.**—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals Notice of processions to be given.

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through the streets of the city (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the office of the town clerk twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

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

Cellars not  
to be con-  
structed  
below  
subsoil  
water level.

**86.**—(1) The Corporation may prohibit the construction in or in connection with any dwelling-house within the city of any cellar or room the floor level of which shall be lower than the highest known 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.

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

**87.**—(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 city 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 city 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. A.D. 1936.

(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 such 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 city and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) Such 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 newspaper circulating in the city and otherwise in such manner as may be prescribed by the Minister.

(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

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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.

Apportionment to frontagers of expenses of sewer constructed under public highway.

**88.**—(1) Where the Corporation resolve to construct a sewer in a street or part of a street within the city repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act of which the marginal note is “Provisions applicable to the last two preceding sections” the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum authorised by the last-mentioned section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

(2) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the city but shall become operative as from the date of such publication. Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Apportionment to frontagers of expenses of construction of

**89.**—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in or under land within the city and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then

subject to the provisions of the next succeeding section the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

A.D. 1936.  
—  
sewer  
before land  
became a  
street.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in on or over which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of the land belonging to such owner having been enhanced by the construction of the length of sewer this section shall not apply to the length of sewer or to such part thereof as was constructed in on or over such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

**90.**—(1) The sum apportionable under either of the two last preceding sections of this Act shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the city multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

Provisions  
applicable to  
the last two  
preceding  
sections.

(2) As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice in writing of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

A.D. 1936.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of the street of the site of and the land occupied with the new building :

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

- (a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;
- (b) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building :

Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

15 & 16  
Geo. 5. c. 22.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

(7) Where such a resolution as is mentioned in the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

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(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Corporation or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

**91.**—(1) Where under the last preceding section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein.

Recovery of  
recoverable  
sums.

The time within which summary proceedings may be taken for the recovery of any such sum shall be reckoned from the date of the service of the demand and in any such proceedings it shall not be open to the defendant to raise any question which could have been raised on an appeal under subsection (3) of the last foregoing section.

(2) The Corporation may by order declare any sums recoverable under this section to be payable with interest by instalments within a period not exceeding thirty years until the whole amount is

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paid and any such instalments and interest or any part thereof may be recovered summarily as a civil debt from the owner or occupier for the time being of the premises charged and if recovered from the occupier may be deducted by him from the rent of those premises:

Provided that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him on account of rent at or has become due from him on account of rent since the date on which he received a demand from the Corporation together with notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

An order may be made under this subsection at any time with respect to any unpaid balance of the sum recoverable and accrued interest so however that the period of repayment shall not in any case extend beyond thirty years from the service of the first demand for the sum recoverable.

(3) The rate of interest chargeable under subsection (1) or subsection (2) of this section shall be such rate as the Corporation may determine:

Provided that the Minister may from time to time by order fix a maximum rate of interest for the purposes of this section.

15 & 16  
Geo. 5. c. 20.

(4) The Corporation shall for the purposes of enforcing a charge under this section have all the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease of accepting surrenders of leases and of appointing a receiver.

(5) Nothing in this section with respect to the recovery of sums from owners of premises affects the provisions of the Land Charges Act 1925 as amended by any subsequent enactment with respect to local land charges.

Appor-  
tionment  
of expenses  
of private  
street works  
or sewerage  
works

**92.**—(1) For the purposes of this section the expression “a work” means—

- (a) any private street works to be executed by the Corporation under the Act of 1892; or
- (b) any sewer which is to be constructed by the Corporation in a street or part of a street

within the city repairable by the inhabitants at large and is the subject of such a further resolution of the Corporation as is mentioned in the section of this Act whereof the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway."

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—  
where part  
of frontage  
premises  
has been  
transferred.

(2) Where the Corporation resolve to execute a work they shall forthwith give written notice of such resolution to the owners of all premises (in this section referred to as "the chargeable premises") which at the date of the passing of such resolution could lawfully if such work had then already been completed be included among the premises to be charged (in manner provided by the Act of 1892) with a proportion or sum in respect of the expenses of executing such work.

(3) If at any time between the date of the passing of such resolution and the date at which such work is completed any part of any separate property comprised in the chargeable premises has been conveyed or transferred the whole of such property may notwithstanding such conveyance or transfer be included in any apportionment (whether provisional or final) of the expenses of executing such work and the due proportion or sum chargeable in respect of such expenses against the whole of such property shall in such apportionment be calculated as if such property had remained wholly in the same ownership as at the date of such resolution but the amount of the proportion or sum so calculated shall in the final apportionment be divided between and shall become charged accordingly upon the part of such property which has been conveyed or transferred as aforesaid and the remainder of such property respectively in such shares as the Corporation may determine to be fair having regard to all the circumstances Provided that the owner for the time being of any part of such property may within one month after receiving written notice of such determination by the Corporation appeal against the same to a court of summary jurisdiction whose decision in the matter shall be final The costs of any proceedings before such court of summary jurisdiction in relation to such appeal shall be in the discretion of the court.

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Certain  
matters  
from hotels  
shops  
garages &c.  
not to be  
discharged  
into sewers.

**93.** The Corporation may make byelaws for preventing—

(a) grease or fat from any club hotel public-house inn slaughter-house butcher's shop fried fish shop or similar premises; or

(b) any oil or grease from any stable garage motor works or similar premises;

from being discharged or thrown or suffered to be discharged or thrown or to pass into any sewer or into any drain connecting with such sewer.

Powers of  
Corporation  
respecting  
construction  
of drains.

**94.**—(1) Whenever it is necessary to open or break up any part of a street for the purpose of laying down or constructing along such part of a street any drain which is intended to be connected either directly or indirectly with any sewer the Corporation may if they think fit themselves lay down or construct so much of such drain as shall be under or in the said street and the cost or estimated cost to be incurred by them in so doing shall be secured to the Corporation to their satisfaction by the person who would lay down or construct so much of such drain as aforesaid if the Corporation did not exercise the powers of this section.

(2) Any person who shall commence the laying down or construction of so much of any such drain as aforesaid after the Corporation shall have given notice of their intention to construct the same in accordance with the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation shall not under the powers of this section open or break up any part of a street belonging to and repairable by a railway company or so as to obstruct the access to or exit from any station or depot of a railway company except with the consent in writing of the railway company but such consent shall not be unreasonably withheld and any question as to whether in any case such consent is unreasonably withheld shall be determined by a single arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.



95.—(1) If it appears to the Corporation that two or more houses within the city may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owner or owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section.

A.D. 1936.  
—  
Combined  
drains.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof. On any such appeal the 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.

96.—(1) Where two or more houses or premises within the city 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

Houses  
connected  
with single  
private  
drain.

A.D. 1936. Corporation shall (whether such drain was originally constructed in pursuance of a requirement of the Corporation or their predecessors or not) have all the powers conferred by section 41 of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses or premises 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.

53 & 54 Vict.  
c. 59. (2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the city.

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

Improper  
construction  
or repair of  
watercloset  
or drain.

**97.**—(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.

(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.

As to  
defective  
drains &c.

**98.**—(1) In any case where it appears to the medical officer or the sanitary inspector that any drain watercloset or soil-pipe within the city is stopped up or

[26 GEO. 5. &  
1 EDW. 8.]

*Hereford*  
*Corporation Act, 1936.*

[Ch. cxiii.]

otherwise defective the medical officer or the sanitary inspector shall give notice to the owner or occupier of the premises concerned to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

A.D. 1936.

(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.

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

As to  
repair of  
drains.

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.

**100.** If any person cause any drain watercloset pailcloset earthcloset privy urinal or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

Wilful  
damage to  
drains  
waterclosets  
&c.

A.D. 1936.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Further provisions as to sanitary conveniences.

**101.**—(1) The owner of two or more sanitary conveniences within the city 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 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 and maintained on 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.

Provision of sanitary accommodation in dwelling-houses.

**102.**—(1) Subject to the provisions of this section every dwelling-house occupied or suitable for occupation by persons of the working classes shall after the expiration of five years from the passing of this Act be provided with separate and sufficient watercloset or earthcloset accommodation within such dwelling-house or the curtilage thereof:

Provided that—

- (a) where a dwelling-house is divided into two or more separate tenements or flats this section shall not apply if on the report of the medical officer it appears that the dwelling-house as a whole has sufficient watercloset or earthcloset accommodation for the occupiers thereof; and
- (b) in the case of a building which consists of a number of dwelling-houses and is erected before the passing of this Act nothing in

this section shall entitle the Corporation to require further watercloset or earthcloset accommodation than can reasonably be provided in the space available in such building or the curtilage thereof. A.D. 1936.

(2) If the Corporation serve upon the owner of any dwelling-house to which this section applies notice requiring him to comply with the provisions of subsection (1) thereof and he fails to do so within one month after the service of the notice he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the owner of a dwelling-house to which this section applies and which was erected before the first day of January nineteen hundred and thirty-six provides separate and sufficient watercloset or earthcloset accommodation in pursuance of a notice served upon him under subsection (2) of this section the Corporation shall repay to him one-half of the amount reasonably and properly expended by him in complying with such notice.

**103.** Nothing in the sections of this Part of this Act of which the marginal notes are "As to defective drains &c." and "As to repair of drains" 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 by any such company with the authority of Parliament so long as any such building work or land is used or held by such company primarily for railway purposes. Saving for railway companies.

## PART VI.

### SANITARY PROVISIONS.

- 104.**—(1) (a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity; and  
(b) Any premises used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity; Registration of ice-cream manufacturers and premises.

A.D. 1936. — 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 occupier thereof.

(2) No person shall 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 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) This section shall not apply to any premises used as a club hotel or restaurant or licensed as a theatre or music hall or for cinematograph entertainments.

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

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

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the 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) Every vendor of or dealer in ice-cream or other similar commodity 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 stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

A.D. 1936.

(4) 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 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 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.

15 & 16  
Geo. 5. c. 71.

**106.**—(1) The Corporation may if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity in relation to the quality storage or distribution of the ice-cream or other commodity serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register him or remove him from the register as the case may be either absolutely or in respect of any specified premises and if he fail to show cause to their satisfaction accordingly they may refuse to register him or may remove him from the register as the case may be.

Power to  
refuse  
registration  
of or  
remove  
from  
register  
ice-cream  
manu-  
facturers  
and  
premises.

(2) Any person aggrieved by any such decision of the Corporation as aforesaid may within twenty-one days give notice of appeal to a court of summary

A.D. 1936. — jurisdiction and that court may require the Corporation to register such person or to refrain from removing him from the register.

(3) The Corporation or such person as aforesaid may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions who may confirm or reverse the order of the court of summary jurisdiction.

(4) The decision of the Corporation to refuse registration or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is determined and where notice of appeal from a court of summary jurisdiction under this section is given within seven days from the date thereof such decision of the Corporation as aforesaid shall not take effect until the appeal to quarter sessions is finally determined.

(5) Where the appeal is from a refusal to register such person as aforesaid he may until the appeal is finally determined carry on business as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity notwithstanding that he is not registered.

Byelaws  
as to  
transport  
of food.

**107.**—(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.

Registra-  
tion of  
premises  
used for  
preparation

**108.**—(1) Any premises within the city 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.

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—  
of potted  
and  
preserved  
foods.

(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 of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

1 Edw. 7.  
c. 22.

**109.**—(1) If the medical officer shall certify in writing that any person in the city—

Removal of  
infirm and  
diseased  
persons in  
certain  
cases.

(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 that it is necessary in the interests 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 the court upon oral proof of the allegations in the 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 city or within a convenient distance of the city and for the detention and maintenance of such person therein for such period (not exceeding three months) as may be determined by the 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 :

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Provided that not less than three clear days before making any application under this subsection for the removal of any person to an institution or place not provided by the Corporation the medical officer shall give to the council of the county or borough or district to whom the institution or place belongs (in this section referred to as "the appropriate authority") notice in writing of his intention so to do.

(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.

(4) An order under this section may be addressed to such officer of the Corporation as the court making the order may think expedient and any person who wilfully disobeys or obstructs the execution of the 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 the court may make a rescission order accordingly if having regard to the circumstances 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.

[26 GEO. 5. &  
1 EDW. 8.]

*Hereford*  
*Corporation Act, 1936.*

[Ch. cxiii.]

(6) Nothing in this section or in any order made thereunder shall authorise the removal of any person to or the detention of any person in any hospital institution or place not provided by the Corporation except with the consent in writing of the appropriate authority or shall affect or interfere with the exercise or discharge by the appropriate authority of any of their powers or duties and no order shall be made under the provisions of this section for the removal of any person to any voluntary hospital or charitable institution without the consent in writing of the controlling body thereof. A.D. 1936.

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

**110.** 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 city so as either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of water or to cause an obstruction shall be liable to a penalty not exceeding five pounds. Penalty for throwing rubbish into streams.

**111.**—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop within the city to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation. Regulation dustbins.

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

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

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or

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ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

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

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

Power to Corporation to purchase and work up offal and waste matters and sell products.

**112.** The Corporation may purchase or acquire any article of food condemned as unfit for human consumption offal bones fat blood and other waste matters or things and any other matter or thing necessary or convenient for working up treating or converting the same and may at any abattoir slaughter-house or waste utilisation plant for the time being belonging to the Corporation work up treat and convert the same and manufacture other products therefrom and may use or sell the products arising in or from or produced by such working up treating conversion or manufacture.

Prohibiting sorting contents of dustbins and refuse tips.

**113.—**(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 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. A.D. 1936.  
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## PART VII.

### CAMPING GROUNDS &C.

114. In this Part of this Act—

“Camping ground” means any plot of land on which three or more moveable dwellings are situated or which is intended to be used for the placing thereon of three or more moveable dwellings. For the purposes of this definition all plots of land which are contiguous to one another and which the same person lets or allows to be used or intends to let or allow to be used as aforesaid shall be treated as a single plot;

Interpreta-  
tion for  
purposes of  
Part VII  
of Act.

“Moveable dwelling” means—

- (a) any tent;
- (b) any structure capable of being moved from place to place; or
- (c) any van cart carriage truck tramcar caravan trailer or other vehicle (whether the wheels of any such vehicle have or have not been removed);

used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—

- (i) any tent structure or vehicle temporarily used by a shepherd labourer or other person for farming agricultural or other like purpose;
- (ii) any tent structure or vehicle temporarily used for the service of the Corporation or other public authority; or
- (iii) any boat.

115.—(1) Within any area prescribed by byelaws which the Corporation are hereby empowered to make it shall not be lawful for any person to let or allow to

Regulation  
of camping  
grounds.

A.D. 1936. — be used any land as a camping ground without the consent of the Corporation and such consent may be given subject to any condition not affecting matters which can be dealt with by the byelaws made under subsection (2) of this section that the Corporation may impose.

Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions subject to which the consent has been granted may appeal to a court of summary jurisdiction within fourteen days from the date of the refusal to give such consent or the imposition of any such conditions 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 and on such terms and conditions as the court may think fit and to award costs.

(2) The Corporation may also make byelaws in relation to any land used as a camping ground—

- (a) for securing the cleanliness and sanitary condition of such camping grounds and moveable dwellings situate thereon;
- (b) for preventing any state or condition of any such camping ground prejudicial to the amenities of the city;
- (c) for preventing nuisance indecency or injury or danger to health person or property;
- (d) for securing the good and orderly conduct of persons using frequenting or visiting any such camping ground or the moveable dwellings situate thereon;
- (e) for preventing annoyance to the residents in or visitors to the city by the conduct of the occupiers of or persons using frequenting or visiting any such camping ground or any part thereof or any moveable dwellings situate thereon;
- (f) for requiring discontinuance of the use for camping purposes of land used as a camping ground without the permission of the person entitled to let the same.

(3) There shall be exempted—

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(a) from the operation of subsection (1) of this section any land within any area prescribed by the byelaws made under that subsection; and

(b) from the operation of any byelaws made under subsection (2) of this section any camping ground or moveable dwelling;

which is provided by or belongs to or is used by—

(i) any portion of His Majesty's naval or military or air forces or which may be certified as under supervision of or by a territorial army association or an auxiliary air force association or a county joint association or by a contingent of the Officers Training Corps or by a cadet unit of the British National Cadet Association officially recognised by the Army Council or by a university air squadron officially recognised by the Air Council;

(ii) (a) any duly constituted religious or charitable society or body operating throughout Great Britain to the main object of which the provision ownership or use of moveable dwellings or camping grounds is merely subsidiary or any organisation affiliated to such society or body or any organisation constituted by such society or body in pursuance of any of the objects for which they are formed Any question whether a society or body is a religious or charitable society shall be determined by a court of summary jurisdiction;

(b) any juvenile organisation affiliated to or represented on the Juvenile Organisations Committee of the Board of Education or any body affiliated to such an organisation or constituted by such an organisation in pursuance of any of the objects for which it is formed;

(iii) any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter;

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- (iv) members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members while in camp;
- (v) any person dwelling in a tent or van or other similar structure who is a travelling roundabout proprietor travelling showman or stall-holder (not being a pedlar or hawker) and who uses such tent van or other structure in connection with his business:

Provided that—

- (i) the exemption from the operation of any byelaws made under subsection (2) of this section conferred by the foregoing paragraphs (ii) (iii) and (iv) of this subsection in respect of any camping ground or moveable dwelling shall only apply so long as the society body association or organisation by or to which the camping ground or moveable dwelling is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the proper management and sanitary condition of the camping ground and for the maintenance of good order amongst the persons using the camping ground or moveable dwelling;
- (ii) the exemption conferred by the foregoing paragraph (v) on any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct.

Provision  
of camping  
grounds.

**116.**—(1) The Corporation may subject to the approval of the Minister by agreement purchase or take on lease land within the city and equip and use any land so purchased or taken on lease or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of moveable dwellings as may be prescribed from time to time by the Corporation.



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(2) The Corporation before applying for the approval of the Minister of the purchase taking on lease equipping or use by them of any land under this section shall give notice of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease equipped or used by them and also by advertisement in a local newspaper circulating in the city and in such other manner (if any) as the Minister may direct. The said notice shall state the matters mentioned in paragraph (c) of subsection (6) of this section and 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 proposal may make representations thereon to the Minister and shall require that any such person shall at the same time send a copy of his representations to the town clerk.

(3) Before signifying approval of the purchase taking on lease equipping or use by the Corporation of any land under this section the Minister shall consider any representations on the proposal of the Corporation which may be duly made and may subject to the provisions of this section signify approval of the said proposal with or without modifications or may withhold such approval.

(4) Before signifying such approval the Minister 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 the section of this Act of which the marginal note is "Inquiries by Minister" and the person holding the inquiry shall have regard to the matters mentioned in paragraphs (a) to (c) of subsection (6) of this section.

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

(6) Before signifying approval of the purchase taking on lease equipping or use by the Corporation

A.D. 1936. — of any land under this section the Minister shall consider the report made to him by the person holding any such inquiry and shall also have regard to (inter alia)—

- (a) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provision of the proposed camping ground on the amenities of surrounding properties;
- (b) the distance between and area of camping grounds in the neighbourhood whether provided by the Corporation under this section or not; and
- (c) the area and situation of and the conditions as to the provision of water supply sanitation and otherwise proposed to be prescribed by the Corporation with respect to the proposed camping ground.

(7) Where the Corporation have provided under this section a camping ground the occupier of any moveable dwelling may (subject to any limitation on the number or definition of the class of moveable dwellings which may have been prescribed by the Corporation with respect to the use of that camping ground for moveable dwellings) encamp upon that camping ground upon payment of such fee as may be prescribed by the Corporation.

Temporary closing of camping grounds.

**117.**—(1) It shall be lawful for the Corporation by order to close during such period as they may determine and as may be specified in the order the whole or any portion of any camping ground provided by them if in their opinion the camping ground or such portion thereof—

- (a) is in such a condition as to endanger the health either of the occupiers or the inhabitants of any moveable dwellings on the camping ground or of the public; or
- (b) is a nuisance; or

(c) constitutes an annoyance to the residents in A.D. 1936.  
or visitors to the locality; or

(d) prejudicially affects the amenities of the  
locality.

(2) Any order made by the Corporation under this section shall be published in one or more local newspapers circulating in the city and by placards posted in a conspicuous position on or near the camping ground to which the order relates and such order shall not come into force until such date as may be stated in the order and not being earlier than fourteen days after the completion of the publication of the order in accordance with the requirements of this subsection.

**118.**—(1) Any moveable dwelling standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 be deemed to be a house or building within the meaning of those words where they first occur in the said section. Provisions  
as to tents  
vans &c.

(2) It shall not be lawful without the written consent of the Corporation to place any moveable dwelling so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

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

## PART VIII.

### FINANCIAL PROVISIONS.

**119.**—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods as the Corporation may determine Power to  
borrow.

A.D. 1936. — not exceeding the respective periods mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The reconstruction and replacement of waterworks authorised by the Act of 1854.	£ 33,000	Thirty years from the date or dates of borrowing.
(b) Filtration plant - - - -	15,000	Twenty years from the date or dates of borrowing.
(c) Water mains and other waterworks purposes.	10,000	Thirty-five years from the date or dates of borrowing.
(d) The payment of the costs charges and expenses of this Act and the costs charges and expenses of the Bill prepared by the Corporation for the session 1934-35.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Power to borrow by issue of bonds.

**120.**—(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 “Hereford Corporation bonds” (and in this Act referred to as “bonds”) in accordance with the provisions of this Act.

(2) Where the Corporation raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act

and bonds were mortgages within the meaning of that Act. A.D. 1936.

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

(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. 62 & 63 Vict.  
c. 9.

(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. 7 Edw. 7.  
c. 13.  
54 & 55 Vict.  
c. 39.

**121.** Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper. Application  
of Act of  
1933 to  
existing  
sinking  
funds.

**122.** Notwithstanding anything in this or any other 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 repairs depreciation contingent accident insurance 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.

- (a) 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

A.D. 1936.  
—

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;

- (b) 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 credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used;
- (c) 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.

Consoli-  
dated loans  
fund.

**123.**—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March nineteen hundred and thirty-seven 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 by the issue of authorised securities 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: A.D. 1936.

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 authorised securities 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:

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 realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not 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 interest charges 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 repairs depreciation contingent accident insurance superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed

A.D. 1936. — 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) Save as in this section expressly provided all the obligations of the Corporation to the holders of authorised securities shall continue in force.

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

(7) 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.

(8) Any such scheme as is referred to in the last preceding subsection of this section may be altered amended or revoked by a further scheme made in like manner as the original scheme.

Dividend  
warrants  
by post.

**124.**—(1) The Corporation may give notice to any person being registered as a holder of any authorised security other than stock that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send letters containing orders for the payment of interest or dividend warrants to the address of such person appearing in the register Provided that if such person give notice to the Corporation that he desires such orders or warrants



to be sent to another person at a given address the Corporation may from time to time send letters containing the same to such other person at such address.

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(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation by any other of them.

(3) The posting by the Corporation of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

45 & 46 Vict.  
c. 61.

**125.**—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole or any consecutive part of the period of thirty days next before the date on which any instalment of interest on such authorised securities is payable.

Closing of  
transfer  
books.

(2) The persons who on such closing day are entered in any book or register as holders of any securities of the class of which the book or register is so closed shall as between them and the transferees of those securities be entitled to the interest next payable thereon.

**126.**—(1) The Corporation may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the water undertaking and the gas undertaking) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Corporation such sums out of the general rate fund as the Corporation from time to time deem expedient:

Capital  
reserve  
fund.

A.D. 1936.

Provided that—

(a) any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to section 9 of the Rating and Valuation Act 1925;

(b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty-five thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

Renewal  
and repairs  
fund.

**127.**—(1) The Corporation may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called “the renewal and repairs fund”

(a) any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Corporation (otherwise than for the purposes of the Corporation undertakings) 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 at the thirty-first day of March in any such year and (b) any sum not exceeding the average annual cost incurred by the Corporation during the previous three years in connection with the maintenance and repair of buildings (other than buildings forming part

of or used for the purposes of the Corporation undertakings or buildings in respect of which the Corporation are required by the Housing Acts to keep a housing repairs account). A.D. 1936.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed five thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works equipment and buildings referred to in subsection (1) of this section which are not comprised in the Corporation undertakings 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.

(4) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (3) of this section such moneys shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

**128.** The sections of this Act of which the marginal notes are—  
“ Receipts and expenses ”;  
“ Accounts ”;  
“ Application of revenue of undertakings ”; and  
“ As to surplus on gas revenue ”;

As to  
operation  
of certain  
provisions  
of this Part  
of Act.

shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-six.

**129.**—(1) Notwithstanding anything contained in any previous enactment all money received by the Corporation whether on capital or revenue account

Receipts  
and  
expenses.

A.D. 1936. including (but without prejudice to the generality of this provision)—

- (a) all money received by the Corporation on account of the revenue of any of the Corporation undertakings; and
- (b) interest and other annual proceeds from time to time received by the Corporation on the investments or balances forming part of any fund accumulated for the redemption of debt or working capital or as a reserve renewals repairs depreciation contingency accident insurance consolidated loans capital or other similar fund (including any interest payable to any such fund in pursuance of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds");

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 whether public or local (including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation may determine to pay apply or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund.

(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.

Accounts.

**130.**—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and shall keep separate accounts in respect of each of the Corporation undertakings and as to revenue shall show under a separate heading or division on the one side all receipts in respect of the undertaking (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the last preceding section of this Act provided in connection with 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 the amounts representing— A.D. 1936.

- (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 or used for those purposes in pursuance of the section of this Act of which the marginal note is "Use of " moneys forming part of sinking and other " funds ";
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of or connected with the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue; and
- (e) any money expended or applied for 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 each undertaking 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.

(3) The Corporation shall so far as reasonably practicable apportion between the accounts of separate undertakings or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

**131.**—(1) If in respect of any year the moneys received by the Corporation on account of the revenue of any of the Corporation undertakings (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" and as is authorised in connection with the undertaking) shall exceed the moneys paid applied or expended by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section

Application  
of revenue  
of under-  
takings.

A.D. 1936. — of this Act the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes :—

- (a) In the reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) In the construction renewal extension or improvement of the works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve fund in connection with the undertaking by setting aside such an amount as they may from time to time think reasonable and (unless applied in any other manner authorised by this Act) investing the same in statutory securities until the reserve fund so provided amounts to the maximum reserve for the time being prescribed by the Corporation but not exceeding in the case of the water undertaking or of the gas undertaking a sum equal to one-fifth of the aggregate capital expenditure of the Corporation upon those undertakings respectively.

(2) Any reserve or renewals or contingency or depreciation fund which has been formed for the purposes of any of the Corporation undertakings and which is in existence on the first day of April nineteen hundred and thirty-six shall be carried to and form part of any reserve fund provided under this section in connection with that undertaking.

(3) The Corporation shall in every year so long as any reserve fund provided under this section is less than the maximum prescribed by or under this section transfer to that reserve 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 provided under this section may be applied in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed or to meet any extraordinary

claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any works forming part thereof or otherwise for the benefit of that undertaking and so that if that reserve fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

A.D. 1936.

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

**132.** Notwithstanding anything contained in any previous enactment the following provisions shall apply with respect to the gas undertaking (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenue of undertakings") (namely) :—

As to  
surplus  
on gas  
revenue.

If in any year the accounts of the undertaking kept under the section of this Act of which the marginal note is "Accounts" shall show that the revenue of the undertaking in respect of that year (including if and so long as any reserve fund provided in connection with the undertaking amounts to a sum equal to one fifth part of the aggregate capital expended for the time being upon the undertaking the interest and other annual proceeds arising from the investment of any part of that reserve fund) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes in relation to the undertaking which are mentioned in paragraphs (a) to (e) of subsection (1) of the section of this Act of which the marginal note is "Accounts" such sum as the Corporation may think fit (not being less in cases where such excess is more than a sum equal to one per centum of the total capital expenditure on the undertaking than the difference between such excess and such last-mentioned sum) shall be deemed for the purposes of the said section of this Act of which the marginal note is "Accounts" to be credited to the revenue account of the undertaking in respect of the next following year and a reduction

A.D. 1936.  
—

shall be made in the charges for gas supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the sum so deemed to be credited to the revenue account of the undertaking :

Provided that if there is any increase in the estimated amount to be paid expended or set aside in the said next following year for the several purposes in relation to the undertaking which are mentioned in paragraphs (a) to (e) of subsection (1) of the section of this Act of which the marginal note is "Accounts" or any reduction in the estimated revenue of the undertaking for that year the sum to be deemed to be credited to the revenue account of the undertaking shall be reduced by the amount of such increase in the estimated amount to be paid expended and set aside or by the amount of such reduction in the estimated revenue or by both of those amounts (as the case may require).

Power to  
pay certain  
expenses.

**133.** The Corporation may pay out of the general rate fund as expenses incurred by them under the Act of 1933 the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the city.

## PART IX.

## MISCELLANEOUS PROVISIONS.

Aerodrome  
under-  
taking.  
10 & 11  
Geo. 5. c. 80.

**134.**—(1) In the event of the Corporation establishing in pursuance of section 8 of the Air Navigation Act 1920 or in pursuance of any Act amending replacing or consolidating that Act an aerodrome and any subsidiary business in connection therewith (in this section referred to as "the aerodrome undertaking") they may make such charges in respect thereof as they may think fit and may grant a lease of or let the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit :

Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Secretary of State for Air.



(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith. A.D. 1936.

(3) The aerodrome undertaking shall be in the same relation to the Air Council and the Secretary of State for Air and subject to the like control by them under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if this Act had not been passed.

**135.**—(1) For the purpose of preserving or improving the amenities of the city or of any part thereof the Corporation may in addition to any existing powers possessed by them—

Power to purchase and improve lands adjoining rivers &c.

- (a) by agreement purchase and hold lands on and within a distance of one hundred and fifty yards from either of the banks of any river or stream in the city;
- (b) improve straighten and strengthen any such banks which form part of or are adjacent to any lands so purchased;
- (c) lay out any lands so purchased and construct and maintain footpaths fences steps walls embankments and other works thereon;
- (d) with the consent of the owner of any other lands in the city which are situate on or within a distance of one hundred and fifty yards from any such banks as aforesaid and with the consent of the Minister exercise with regard to such lands the powers referred to in paragraphs (b) and (c) of this section.

(2) Where under the provisions of this section the Corporation have acquired any land the Corporation shall allow such reasonable facilities for access across the land so acquired to or from the river or stream adjacent to such land from or to other land adjoining such land as may be agreed between the owner of such other land and the Corporation or in default of agreement determined by the Minister.

(3) In this section the expression "banks" has the meaning assigned to it by section 81 of the Land Drainage Act 1930 and the expression "river or stream" 20 & 21 Geo. 5. c. 44.

A.D. 1936. — means the river Wye and any other river or stream through which water flows into that river.

For pro-  
tection of  
River Wye  
Catchment  
Board.

**136.** The following provisions for the protection of the catchment board shall unless otherwise agreed in writing between the Corporation and the catchment board apply and have effect with reference to the exercise by the Corporation of the powers conferred upon them by the last preceding section of this Act (that is to say) :—

(1) Except with the consent of the catchment board which consent shall not be unreasonably withheld the Corporation shall not construct any work which affects any river or stream (which expression has in this section the same meaning as in the last preceding section) otherwise than—

(a) in such manner across such river or stream as to allow the free passage of water under such work;

(b) so that the top or upper surface of such work shall be situate at such depth below such river or stream as not to cause obstruction to the flow of water therein and as to allow of the proper cleansing or scouring of such river or stream and of the deepening of the bed thereof to such extent as may be reasonably necessary for the improvement thereof:

(2) (a) The Corporation before commencing to construct any such work shall submit to the catchment board plans thereof and sufficient particulars for their reasonable approval. If the catchment board shall not within twenty-eight days after the submission to them of any such plans and particulars (if any) signify to the Corporation in writing their approval or disapproval thereof they shall be deemed to have approved thereof;

(b) Such work shall not be constructed otherwise than in accordance with such plans and particulars (if any) as may be approved by the catchment board or if such approval be refused as may be settled by arbitration

under this section and shall be constructed to the reasonable satisfaction of the catchment board and under the supervision of their engineer if he elect to attend for that purpose after receiving reasonable notice of the date when the work is to be commenced:

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- (3) The Corporation shall at all times keep the catchment board indemnified against all damages losses costs and expenses which they may sustain or incur or be liable for by reason or in consequence of any negligence of the Corporation in the construction maintenance and user of any such work as aforesaid:
- (4) Any dispute or difference which may arise under this section between the catchment board and the Corporation shall be referred to and determined by the arbitration of a single arbitrator to be appointed by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Acts 1889 to 1934 shall apply to such reference and determination.

**137.**—(1) The Corporation may from time to time close to the public the whole or any part of the lands in the city known as "Castle Green" and "Bishops Meadow" together with the footpaths (if any) thereover respectively for such period not exceeding six days as the Corporation may determine Provided that the said lands shall not be closed under the provisions of this subsection for more than a total of ten days in any one year.

Powers as to closing and leasing certain lands.

(2) During any period in which the said lands are closed to the public in accordance with the provisions of subsection (1) of this section the Corporation may—

- (a) let the said lands to or permit the use of the said lands by any association society or person for the purposes of any agricultural horticultural or other show or for any pageant or entertainment or for any other public purpose of a temporary nature and authorise such association society or person to make

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charges for the use thereof or for access thereto; or

(b) use the said lands for the purposes aforesaid and make such charges as they think fit for access thereto.

Use of  
swimming  
baths for  
exhibitions  
and enter-  
tainments.

**138.**—(1) In addition to their powers under the Baths and Washhouses Acts 1846 to 1925 the Corporation may close to the public and may reserve the exclusive use of any swimming bath or open bathing-place belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises water polo matches life-saving classes or for aquatic entertainments or exhibitions or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath or open bathing-place such sums for the exclusive use of such bath or place or for admission of persons thereto as they may think fit.

(2) The Corporation may also let the exclusive use of any such swimming bath or open bathing-place to any school or club on such conditions as they may think fit Provided that no such letting under this subsection shall extend over a consecutive period of more than four hours.

Power to  
provide  
public  
buildings  
&c.

**139.** The Corporation may provide or acquire or may on any pleasure ground or (subject to the approval of the Minister) on any lands of which for the time being they may be the owners erect and construct or allow to be erected and constructed and hold furnish equip maintain and insure public halls pavilions bandstands assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms shelters 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 to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings :

Provided that nothing in this section shall be taken to dispense with the consent of the Board of

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1 EDW. 8.]

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Education to any appropriation lease exchange 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 :

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Provided also that no power conferred upon the Corporation by this section shall be exercised in such a manner as to be at variance with any trust subject to which any pleasure ground or other lands or buildings are held by the Corporation without an order of the High Court or of the Charity Commissioners or the Board of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

**140.**—(1) The Corporation may with the consent of the Minister lay out and develop any lands within the city at any time belonging to them and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands.

Power to  
develop  
lands &c.

(2) The Corporation may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

**141.** The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with the water undertaking or the gas undertaking and the Corporation may also erect maintain and let any such buildings upon any land for the time being belonging or leased to the Corporation for those purposes.

Dwelling-  
houses for  
employees  
and other  
buildings.

**142.**—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Corporation to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument either in a cemetery provided under the Public Health Acts or in a burial ground provided under the Burial Acts 1852 to 1906.

Extension  
of section  
2 (3) of  
Public  
Health  
(Inter-  
ments) Act  
1879.

(2) Any such sum shall be invested in statutory securities or in manner authorised by the section of

42 & 43 Vict.  
c. 31.

A.D. 1936. — this Act of which the marginal note is "Use of moneys forming part of sinking and other funds" and the interest thereof applied in maintaining the grave or grave space or monument in such manner as the Corporation think fit.

(3) Any such capital sum and the interest thereof shall be shown separately in the accounts of the Corporation relating to their cemetery or burial ground but otherwise the said interest shall be paid into the fund to which receipts derived from the cemetery or burial ground are paid.

As to main-  
tenance of  
cemeteries  
&c.

**143.**—(1) The Corporation may in connection with the maintenance of any cemetery provided under the Public Health Acts or any burial ground provided under the Burial Acts 1852 to 1906 alter repair straighten or maintain any tombstone or monument and put in order and maintain any grave space therein.

(2) Before the Corporation exercise any of the powers of this section they shall publish once at least in each of two successive weeks in one or more newspapers circulating in the city notice of their intention so to do together with a statement of the works to be carried out and such notice shall also state that any person desiring to object to the carrying out of any such works shall give notice in writing to the Corporation of his objection and the grounds thereof within the date stated in the notice (which date shall not be earlier than ten days after the last publication of the notice) If any objection shall be so given to the Corporation and not withdrawn the works to which the objection relates shall not be carried out without the consent of the Secretary of State.

Power to  
grant  
allowances  
or gratuities  
in certain  
cases.

15 & 16  
Geo. 5. c. 84.  
12 & 13  
Geo. 5. c. 59.  
59 & 60 Vict.  
c. 50.

**144.**—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1925 or the Teachers (Superannuation) Acts 1918 to 1935 or any other Act for the time being in force relating to the superannuation of teachers and not entitled to benefits under the Local Government and Other Officers' Superannuation Act 1922 or the Poor Law Officers' Superannuation Act 1896 grant a weekly or other 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

the Corporation's officers or servants who may be disabled or injured in the Corporation's 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 the Corporation's service.

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

(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who is not entitled to a gratuity under the Teachers (Superannuation) Acts 1918 to 1935 or any Act amending the same and who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the city or permanently and exclusively employed in any public elementary school in the city whether provided by the Corporation as the local education authority or not so provided.

**145.** If a justice is satisfied on complaint by any officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the city and has failed to pay on demand any general rate or any gas or water rate or charge which may be due from him and intends to evade payment of the same by departing from the city the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Recovery  
of rate &c.  
from  
persons  
removing.

**146.** The Corporation may at any time by resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences

As to  
operation of  
section 11 of  
Rating and  
Valuation  
Act 1925.

A.D. 1936. — (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section.

As to  
byelaws.

**147.** As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be (a) in the case of byelaws made under the section of this Act of which the marginal note is "Aerodrome undertaking" the Secretary of State for Air and (b) in all other cases the Minister.

In executing  
works for  
owner  
Corporation  
liable for  
negligence  
only.

**148.** Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the city execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation the surveyor or the sanitary inspector 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.

Expenses  
may be  
declared  
private  
improve-  
ment  
expenses.

**149.** The Corporation may declare any expenses incurred by them after the passing of this Act under the provisions of the Act of 1854 or 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.

Several  
sums in one  
summons.

**150.** Where the payment of more than one sum by any person is due under any public general Act from time to time in force in the city or under any



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1 EDW. 8.]

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local enactment any summons or warrant issued for the purposes of any such public general Act or local enactment in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

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**151.** The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of Part V (Streets buildings sewers and drains) and Part VI (Sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Power to  
enter  
premises.

**152.** 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 (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.

Penalty on  
occupier  
refusing  
execution  
of Act.

**153.** 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 city it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated

Evidence  
of appoint-  
ments  
authority  
&c.

A.D. 1936. — 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.

Authentica-  
tion and  
service of  
notices &c.

**154.**—(1) Where any notice licence or demand under this Act or under any local Act or Order or byelaw requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

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

Consents of  
Corporation  
to be in  
writing.

**155.** 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 city shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Breach of  
conditions  
of consent  
of Corpora-  
tion.

**156.** Where under this Act or under any general or local Act for the time being in force in the city the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Apportion-  
ment of  
expenses in  
case of joint  
owners.

**157.** Where under the provisions of this Act or any local Act in force in the city the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners

the expenses 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. A.D. 1936.  
—

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

**159.** 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.*

**160.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. *Recovery of penalties &c.*

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

**162.—**(1) Any person aggrieved by an order made by a court of summary jurisdiction under the provisions of this Act may appeal against the order to a court of quarter sessions and the Corporation may likewise appeal against the refusal of a court of summary jurisdiction to make any such order. *As to appeals.*

A.D. 1936.

12 & 13 Vict.  
c. 45.

(2) Any person aggrieved by an order judgment determination or requirement or by the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer thereof under the provisions of Parts V and VI of this Act may if no other mode of appeal is provided by this Act appeal in manner provided by the Quarter Sessions Act 1849 to the next practicable court of quarter sessions held not less than thirty days after notice of the decision appealed against has been sent to him and the notice of appeal shall be given to the Corporation and to the clerk of the peace.

Saving for  
indict-  
ments &c.

**163.** 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.

Judges not  
disqualified.

**164.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Powers of  
Act cumu-  
lative.

**165.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Application of  
section 265 of  
Public Health  
Act 1875.

**166.** Section 265 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.

[26 GEO. 5. &  
1 EDW. 8.]

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**167.** The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

A.D. 1936.  
—  
Inquiries by  
Minister.

**168.**—(1) The following enactments are hereby repealed as from the first day of April nineteen hundred and thirty-six :—

Repeal.

The Act of 1854—

The words “and the rents issues and profits thereof shall be part of their city fund” in section XXVII (Lands &c. purchased by Corporation to be part of corporate estates and city fund);

Section CLVIII (Income of Corporation under Act to be carried to the credit of city fund);

Section CLIX (Expenditure of Corporation under Act to be made out of the city fund);

Section CLX (Distinct account to be kept by Corporation).

The Hereford Improvement Act 1872—

Section 15 (Separate accounts to be kept in respect of utilisation &c. of sewage).

35 & 36 Vict.  
c. cxix.

(2) The following enactments are hereby repealed as from the date of this Act :—

The Act of 1854—

Section XXXII (Leases of stalls &c.);

Section XXXIII (As to assignment of leases);

Section XXXVIII (Market tolls &c. as in Schedule (C));

Section XXXIX (Tolls for the cattle market as in Schedule (D));

Section XL (Weighing and measuring tolls as in Schedule (E));

Section XLI (Tolls for weighing carts &c. as in Schedule (F));

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Section LXI (Corporation may charge by quantity in certain cases);

Section LXII (Water need not be laid on under pressure);

So much of section XCIX (10 &amp; 11 Vict. c. 15 incorporated) as incorporates section 38 of the Gasworks Clauses Act 1847;

Section CV (Corporation to supply gas to dwelling-houses and shops);

Section CXL (Corporation not to make general sewers rate);

Section CXLI (City rate);

Section CXLII (Form of rate as in Schedule (H));

Section CXLV (Owners to pay the rate in certain cases);

Section CLXV (Contracts for supply of gas or water not to disqualify councillors);

Schedules (C) (D) (E) (F) and (H).

The Hereford Improvement Act 1872—

Section 18 (Compulsory supply of water in certain cases);

Section 19 (Public waterclosets &amp;c.);

Section 20 (Expenses of highways to be paid out of borough fund).

The Hereford Order 1927—

Article 2 (Market tolls);

Article 3 (Inquiries and expenses);

The schedule.

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

**169.** For the protection of the Great Western Railway Company and London Midland and Scottish Railway Company (each of which companies is hereinafter referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation apply and have effect with reference to the exercise of the powers of Parts II and III of this Act by the

Corporation in the added water limits and the added gas limits (that is to say):— A.D. 1936.

(1) In constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals of any work of the Corporation which may be situate upon across over under or in any way affecting the railway or works of the company the same shall be done by and in all things at the expense of the Corporation except as in this section is otherwise provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company and at such time or times as he shall reasonably approve and so as not to interfere with the structure of any such railway and except in cases of repair according to plans sections and particulars to be submitted to and reasonably approved by the said engineer before any such works shall be executed Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-one days after they shall have been submitted to him he shall be deemed to have approved thereof:

(2) The Corporation shall restore and make good to the reasonable satisfaction of the said engineer the railway and works of the company and the roads which the company are liable to maintain over or under any bridge or over any level crossing of such railway or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any of the operations of the Corporation:

(3) If the company so elect and of such their election give notice in writing to the Corporation within fourteen days of the submission of the said plans sections and particulars they may themselves execute the said works (other than the actual laying down and maintenance of the pipes) and may recover

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the reasonable costs of so doing from the Corporation (including compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the company in and about such works) :

- (4) All such works shall be constructed executed and maintained so as to cause as little injury as may be to the railway or works of the company and so as not to cause any interruption to the passage or conduct of traffic over such railway and if any such injury or interruption shall arise from the acts or operations of the Corporation or by reason of the failure of the Corporation to maintain such works or if any bursting leakage or failure of the works of the Corporation over under or near to any railway or works of the company shall cause any injury to such railway or works all such injury shall unless the same be due to any act or default of the company forthwith be made good by the Corporation at their own expense and to the reasonable satisfaction of the said engineer and the Corporation shall (except as aforesaid) be responsible for and save harmless and indemnify the company from all claims in respect of any such injury or interruption and shall make compensation to the company for and in respect thereof (including any compensation payable as aforesaid) and compensation for any disturbance of traffic which the construction or maintenance of the said works may entail :
- (5) In the event of the Corporation failing to make good such injury as aforesaid or failing to maintain all such works (where they pass under or over or in any way affect the railway or works of the company) in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the company may make good the same and make and do in and upon as well the lands of the Corporation as



their own lands all such repairs and things as may be reasonably requisite and recover the reasonable expense thereof (including compensation payable as aforesaid) from the Corporation :

- (6) If it should be necessary during the construction of any works of the Corporation or by reason of the existence of the same to alter any of the telegraph telephone or signal posts or wires or other work or apparatus belonging to or on the railway of the company the company may effect such alterations and the Corporation shall repay to them the reasonable expenses incurred by them in and connected with such alterations :
- (7) The Corporation shall bear and on demand pay to the company the reasonable expense (including compensation payable as aforesaid) of the employment by them during the construction and maintenance of any works under the powers of this Act over under or across or in any way affecting the railway of the company of such signman or watchman (if any) to be appointed by the company as may be reasonably necessary for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person or persons in the employ of the Corporation or their contractors :
- (8) If the company at any time or times hereafter in pursuance of any powers existing at the passing of this Act require to construct any additional or other works upon their lands or railway or to extend alter or repair their railway or other works upon across over or under which any of the works of the Corporation may have been constructed or laid the company may if reasonably necessary

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after giving to the Corporation fourteen days' notice in writing under the hand of their secretary or general manager or in case of emergency after giving such notice as is reasonably practicable divert support or carry the said works (other than the diversion support or carrying of the pipes) of the Corporation across over or under their railway at such other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be and so as not to interrupt or interfere with the supply of water and gas without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that any works executed by the company under this subsection shall be executed in accordance with plans sections and specifications previously submitted to and reasonably approved by the Corporation and to the reasonable satisfaction of the Corporation :

- (9) Any additional expense which the company may reasonably incur in widening altering reconstructing repairing or maintaining in pursuance of any powers existing at the passing of this Act their railway or other works by reason of the existence of the works of the Corporation laid or executed under the powers of this Act upon across over or under the same shall be paid by the Corporation :
- (10) Nothing in this section contained shall prejudice alter or affect the rights of the company or the Corporation under any agreement between them relating to the mains pipes or other works of the Corporation and where the provisions of such agreement are inconsistent with the provisions of this section the provisions of the said agreement shall apply :
- (11) Except as in this section otherwise expressly provided any difference arising between the Corporation and the company respecting any of the matters referred to in this section shall

be referred to and determined by an arbitrator to be appointed (failing agreement) at the request 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 Acts 1889 to 1934 or any statutory re-enactment or modification thereof shall apply to any such reference and determination.

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**170.** The provisions of section 15 of the Electric Lighting Act 1882 and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to and with respect to the exercise by the Corporation of the powers conferred by Parts II and III of this Act and shall be deemed to extend to electric lines or works constructed upon or above the level of the ground and the Corporation shall not in the exercise of such powers interfere with any electric lines or works of the Shropshire Worcestershire and Staffordshire Electric Power Company except in accordance with and subject to such provisions.

For protection of Shropshire Worcestershire and Staffordshire Electric Power Company.  
45 & 46 Vict. c. 56.  
62 & 63 Vict. c. 19.

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

Crown rights.

**172.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act (including the costs charges and expenses of and incidental to the preparing of the Bill prepared by the Corporation for the session 1934-35 which was not proceeded with in that session) 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 or out of moneys to be borrowed under this Act for that purpose.

Costs of Act.

A.D. 1936.

The SCHEDULES referred to in the  
foregoing Act.

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### THE FIRST SCHEDULE.

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#### THE ADDED WATER LIMITS.

(a) So much of the parish of Breinton as is bounded by the boundary of the city and an imaginary line commencing at the Boundary Stone on the said boundary situate 40 yards or thereabouts measured in a south-westerly direction from the house known as Armcroft thence proceeding in a westerly direction for a distance of 866 yards or thereabouts parallel to and 50 yards or thereabouts south of the road leading from the city to Lower Breinton thence in a northerly direction parallel to and 50 yards or thereabouts west of the road leading from the before mentioned road to Warham and the road leading from the first mentioned road to the road leading from the city to Upper Breinton thence across the last mentioned road in a northerly direction and proceeding in the same direction at a distance of 50 yards or thereabouts from and parallel to the boundary of the city till it intersects that boundary.

(b) So much of the parishes of Breinton Stretton Sugwas Burghill Holmer Lugwardine Hampton Bishop Dinedor and Lower Bullingham as is bounded by the boundary of the city and an imaginary line commencing at a point on the said boundary 283 yards or thereabouts south-west of the road leading from the city to Hay thence proceeding in a north-westerly direction parallel to and 250 yards or thereabouts south of the said road to the boundary of the parish of Breinton thence in a northerly direction along the boundary of the parish of Breinton to the centre of the said road leading from the city to Hay thence in a straight line in a north-easterly direction to the centre of the bridge carrying the road from the city to Kington over the London Midland and Scottish Railway (Hereford Hay and Brecon line) thence proceeding in a south-easterly direction along the centre of the said railway for a distance of 566 yards or thereabouts thence proceeding in a northerly direction to and along the boundary of the parish of Breinton to its junction with Roman Road thence proceeding due north for a distance of 100 yards or

thereabouts thence proceeding in an easterly direction for 1,366 yards or thereabouts parallel to and 100 yards or thereabouts north of the Roman Road thence proceeding in a north-westerly direction parallel to and 100 yards or thereabouts west of the road leading from the city to Burghill to a point 50 yards or thereabouts on the northerly side of Tow Tree Lane thence proceeding in an easterly direction parallel to and 50 yards or thereabouts north of Tow Tree Lane to a point on the last mentioned road 50 yards or thereabouts north of its junction with Tow Tree Lane thence proceeding in a north-easterly direction to a point on the road leading to Burlton Court 100 yards or thereabouts north of the junction of that road with the said road leading from the city to Burghill thence following the southern boundaries of the enclosures numbered 736 753 and 734 on the 1/2500 Ordnance map of Herefordshire (sheet XXXIII.7 1929 edition) thence in a southerly direction along the eastern boundary of enclosure numbered 755 on the said map and sheet to the northern boundary of the enclosure numbered 756 on the said map and sheet thence along the northern and eastern boundaries of the said enclosure numbered 756 thence along the eastern boundary of the enclosure numbered 762 on the said map and sheet thence in a straight line in a southerly direction across enclosure numbered 760 on the said map and sheet to a point on the northerly boundary of enclosure numbered 808B on the said map and sheet situate 200 yards or thereabouts west of the road leading from the city to Canon Pyon thence in an easterly direction along the northerly boundary of the said enclosure numbered 808B to the centre of the last mentioned road thence along the centre of that road in a southerly direction to the boundary of the parish of Holmer thence in an easterly direction for 100 yards or thereabouts along the said boundary thence in a southerly direction parallel to and 100 yards or thereabouts east of the road leading from the city to Canon Pyon to a point 100 yards or thereabouts north of the Roman Road thence in an easterly direction parallel to and 100 yards or thereabouts north of the Roman Road as far as the Aylesbrook thence proceeding along the Aylesbrook to the south-easterly boundary of enclosure No. 268 on the said map (sheet XXXIII.8 1929 edition) thence proceeding in a north-easterly direction along the said boundary of the said enclosure thence in a north-easterly direction along the north-westerly boundaries of the enclosures numbered 160 155 155A and 155B all on the said map and sheet to the boundary of the parish of Holmer thence following the said boundary to a point where that boundary turns due north at or near Coldwells House thence in an easterly direction for a distance of 150 yards or thereabouts to the road leading from Holmer to Munstone thence in a southerly direction along the easterly side of that

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road to a point 50 yards or thereabouts measured in a northerly direction from its junction with School Lane thence proceeding in an easterly direction to the north-westerly corner of enclosure No. 291 on the said map and sheet thence along the northerly boundary of the enclosures numbered 291 and 297 on the said map and sheet thence in a southerly direction along the easterly boundary of the said enclosure No. 297 to a point 60 yards or thereabouts east of School Lane thence proceeding in an easterly direction along the northern boundary of enclosure No. 296 on the said map and sheet thence in a southerly direction parallel to and 150 yards or thereabouts east of School Lane to a point 100 yards or thereabouts north of Roman Road thence proceeding in an easterly direction parallel to and 100 yards or thereabouts north of Roman Road to the eastern boundary of the London Midland and Scottish and Great Western Joint Railway (Hereford and Shrewsbury line) thence proceeding in a north-easterly direction along the easterly side of the said railway to a bridge carrying a footpath leading from The Burcott to Munstone over the said railway thence proceeding in an easterly direction in a straight line to a point on the centre of the road leading from the city to Bodenham 350 yards or thereabouts measured in a southerly direction from the second milestone from the city on such road thence proceeding in a continuation of the same line for a distance of 100 yards or thereabouts thence in a southerly direction parallel to and 100 yards or thereabouts east of the said road to a point 100 yards or thereabouts north of the Roman Road thence proceeding in an easterly direction parallel to and 100 yards or thereabouts north of Roman Road to the boundary of the parish of Holmer on the river Lugg thence in a south-westerly direction along the parish boundary for a distance of 110 yards or thereabouts thence proceeding in a southerly direction to the Old Toll House and thence in a south-easterly direction in a straight line to a point on the boundary of the parish of Lugwardine and on the river Lugg 380 yards or thereabouts measured in a straight line in a westerly direction from Lugwardine Bridge thence proceeding in a straight line in a southerly direction to the stone on the road leading from the city to Hampton Bishop opposite its junction with the road leading to Court Farm thence along the easterly boundary of enclosure No. 119 on the said map (sheet XL.1 1929 edition) and in a straight line to a point on the boundary of the parish of Hampton Bishop in the centre of the river Wye and situate 1,010 yards or thereabouts measured along that river in a south-easterly direction from the boundary of the city thence proceeding in a north-westerly direction along the said parish boundary for a distance of 380 yards or thereabouts thence proceeding in a south-westerly direction in a straight line to and along the footpath leading

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to the road leading from the city to Holme Lacy thence proceeding in a westerly direction along the northerly boundary of Rotherwas Park Wood to the south-western corner of the premises known as Woodlands thence along the south-western boundary of the road or footpath leading from Woodlands to Lower Bullingham to the bridge carrying the London Midland and Scottish Railway (Hereford curve) over such road thence along the southerly boundary of such railway to and terminating at the boundary of the city. A.D. 1936.

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## THE SECOND SCHEDULE.

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### THE ADDED GAS LIMITS.

(a) The parishes of Breinton Stretton Sugwas Pipe and Lyde and Holmer.

(b) So much of the parishes of Haywood and Clehonger as is bounded by the boundary of the city and an imaginary line commencing at the point where that boundary joins the boundary between the parishes of Haywood and Grafton proceeding along the last-named boundary to the Great Western Railway (Hereford and Abergavenny line) thence in a south-westerly direction along the centre of that railway to a point on such railway situate 100 yards south-west of the road leading from the city to Haywood thence in a northerly direction 100 yards west of and parallel to such road for a distance of 330 yards or thereabouts thence proceeding in a westerly and northerly direction parallel to and 100 yards or thereabouts south and west of the last mentioned road to a point on the road leading from the city to Abergavenny situate 130 yards or thereabouts south-west of the third milestone from the city thence in a straight line in a north-easterly direction for a distance of 2,000 yards or thereabouts to the boundary of the parish of Breinton in the centre of the river Wye opposite the hydraulic ram near to Hunderton Rough.

(c) So much of the parishes of Burghill Lugwardine Hampton Bishop Dinedor and Lower Bullingham as is comprised within the added water limits.

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## THE THIRD SCHEDULE.

## PROVISIONS AS TO CORPORATION BONDS.

1. 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.

2. (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.

3. 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 Hereford on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer 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.



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5.—(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.

(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. ....

Date.....

CITY OF HEREFORD.

HEREFORD CORPORATION BONDS.

.....per centum Hereford Corporation bond repayable at par on the .....19.....at the town hall Hereford.

This is to certify that.....of..... is the registered holder of a Corporation bond for..... pounds (£.....) issued by the mayor aldermen and citizens of the city of Hereford under the Hereford Corporation Act 1936 at.....

The corporate seal of the mayor }  
aldermen and citizens of the city }  
of Hereford was hereunto affixed }  
in the presence of }

.....

Town clerk.

6. 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.

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7.—(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.

HEREFORD CORPORATION BONDS.

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.....  
subject to the conditions aforesaid.

As witness our hands and seals this.....  
day of.....in the year of our Lord  
one thousand nine hundred and.....

(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 Hereford Corporation bonds" 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.

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8.—(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.

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(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.

9. 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.

10. 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.

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