



CHAPTER xl

An Act to extend the boundaries of the borough of Doncaster and for purposes incidental thereto to confer further powers on the Corporation of that borough in regard to lands to authorise the supply of hot water and of heat to make further provision in reference to the health improvement local government markets undertaking and finances of the borough of Doncaster to increase the tolls leviable by the Corporation in connection with their markets undertaking and for other purposes. [28th July 1950.]

WHEREAS the existing borough of Doncaster (in the preamble to this Act referred to as "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (in this Act referred to as "the Corporation"):

And whereas the unrepealed provisions of the local Acts specified in Part I of the First Schedule to this Act and of the Orders specified in Part II of that schedule are in force in the borough:

And whereas the parish of Cantley in the rural district of Doncaster in the administrative county of the west riding of Yorkshire adjoins the borough:

And whereas it is expedient that the boundaries of the borough should be extended so as to include therein a part of the said parish of Cantley and that the area so added to the borough should be included within the township of Doncaster:

And whereas it is expedient to empower the Corporation to supply hot water and heat by means of hot water or steam within the limits defined by and subject to the provisions of this Act:

And whereas it is expedient that further and better provision should be made with reference to lands streets sanitation and buildings and for the local government and improvement of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended :

And whereas the Corporation are the owners of a markets undertaking and it is expedient to authorise the Corporation to increase the tolls leviabie by them in connection with that undertaking and with the weighing-houses and slaughterhouses of the Corporation provided in connection therewith and to confer further powers upon the Corporation in connection with that undertaking :

And whereas the Corporation are the lords of the manor of certain lands in the borough known as Doncaster Common and it is expedient to confer on the Corporation powers to regulate and control the said common as by this Act provided :

And whereas it is expedient to make further provision with regard to the finances of the borough as by this Act provided :

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 :

23 & 24 Geo. 5.
c. 51. And whereas in relation to the promotion of the Bill for this Act the requirements of the Local Government Act 1933 have been observed :

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Doncaster Corporation Act 1950.

Division of
Act into Parts.

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

- Part I.—Preliminary.
- Part II.—Extension of borough boundaries.
- Part III.—Heating undertaking.
- Part IV.—Lands etc.
- Part V.—Streets.
- Part VI.—Sanitation and buildings.
- Part VII.—Finance.
- Part VIII.—Miscellaneous.
- Part IX.—Protective provisions.
- Part X.—General.

3. The Lands Clauses Acts except sections 127 to 132 (which relate to the sale of superfluous lands) of the Lands Clauses Consolidation Act 1845 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act: PART I
—cont.
Incorporation
of Lands
Clauses Acts.
8 & 9 Vict.
c. 18.

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.

4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction. And in this Act unless the subject or context otherwise requires— Interpretation.
26 Geo. 5. &
1 Edw. 8. c. 49.

“ Act of 1929 ” means the Local Government Act 1929 ; 19 Geo. 5. c. 17.

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

“ Act of 1936 ” means the Public Health Act 1936 ;

“ Added area ” means the part of the existing parish added to the existing borough by this Act which is included within the inner edge of the red line on the borough map and the “ excluded part of the parish ” means the remaining part thereof ;

“ Appointed day ” means the first day of April one thousand nine hundred and fifty-one ;

“ 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 ;

“ Authority ” means the British Electricity Authority ;

“ Borough ” means before the appointed day the existing borough of Doncaster and on and after the appointed day the existing borough of Doncaster as extended by this Act ;

“ Borough map ” means the map marked “ Map of the borough of Doncaster as extended by the Doncaster Corporation Act 1950 ” and signed in triplicate by the Right Honourable the Earl of Drogheda the chairman of the committee of the House of Lords to which the Bill for this Act was referred one copy of which has been deposited with the Clerk of the Parliaments one in the Private Bill Office of the House of Commons and one with the town clerk ;

“ Commission ” means the British Transport Commission and any reference to the commission in relation to any

PART I
—cont.10 & 11 Geo. 6.
c. 49.

functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;

“ Contravention ” in relation to any enactment byelaw order rule term condition restriction or notice includes a failure to comply with that enactment byelaw order rule term condition restriction or notice and “ contravene ” shall be construed accordingly ;

1 Edw. 8. &
1 Geo. 6. c. 68.

“ Contributory employee ” “ servant ” and “ service ” have the meanings assigned to those expressions respectively by the Local Government Superannuation Act 1937 ;

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

“ Corporation undertakings ” means the undertakings of the Corporation from time to time existing from which revenue is derived ;

“ Council ” means the council of the borough ;

“ County ” and “ county council ” mean respectively the administrative county of the west riding of Yorkshire and the county council of the county ;

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

45 & 46 Vict.
c. 56.

“ Electric line ” has the same meaning as in the Electric Lighting Act 1882 ;

“ Electricity board ” means the Yorkshire Electricity Board ;

“ Enactment ” includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force within the borough ;

“ Existing ” in relation to any area altered by this Act means existing immediately before the appointed day ;

“ Existing parish ” means the existing parish of Cantley in the rural district ;

“ Fittings ” for the purposes of Part III (Heating undertaking) of this Act includes air heaters water heaters radiators meters fittings mains pipes taps cocks valves ferrules and other works and apparatus used for or in connection with the supply or use of heat by means of hot water or steam under the said Part III ;

“ Food ” has the meaning assigned to it by section 100 of the Food and Drugs Act 1938 ;

“ Gas board ” means the East Midlands Gas Board ;

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

1 & 2 Geo. 6.
c. 56.

- “Heat” means heat supplied or intended to be supplied by means of hot water or steam ;
- “Heating undertaking” means the undertaking authorised by Part III (Heating undertaking) of this Act and includes all lands stations boiler-houses properties works buildings machinery plant mains pipes wires posts ducts apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with the supply of heat by means of hot water or steam ;
- “Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 and by this Act ; 9 & 10 Geo. 5.
c. 57.
- “Light railways undertaking” means and includes the light railways trolley vehicle and omnibus undertakings of the Corporation as from time to time authorised ; 10 & 11 Geo. 6.
c. 51.
- “Local Acts” means the local Acts specified in Part I of the First Schedule to this Act the Orders specified in Part II of that schedule and so much of the confirmation Acts specified in the last-mentioned Part as relates to those Orders ;
- “Main” for the purposes of Part III (Heating undertaking) of this Act includes mechanical and thermal protection for a main and apparatus used in connection with a main ;
- “Minister” means the Minister of Health ;
- “Parish council” means the parish council of the existing parish ;
- “Provisional Order” includes a special order and any order having the effect of an Act of Parliament ;
- “Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same prior to the Act of 1936 ; 38 & 39 Vict.
c. 55.
- “Rating Act 1925” means the Rating and Valuation Act 1925 ; 15 & 16 Geo. 5.
c. 90.
- “Revenues of the Corporation of the existing borough” and “revenues of the Corporation of the borough” include respectively the general rate fund and all rates exchequer contributions and other revenues whether arising from land or undertakings or from any other

PART I
—cont.

source receivable by the mayor aldermen and burgesses of the existing borough or of the borough respectively ;

20 & 21 Geo. 5.
c. 44.

“River or stream” for the purposes of section 131 (For preventing obstruction to streams by culverts etc.) section 132 (Cleansing of rivers and streams) and section 133 (Entry for purposes of last two preceding sections) of this Act includes any watercourse within the meaning of that expression in the Land Drainage Act 1930 but does not include any such watercourse which is for the time being a main river of the River Trent Catchment Board or of the Yorkshire Ouse River Board ;

“Rural district” and “rural council” mean respectively the rural district of Doncaster and the rural district council of that district ;

“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 ;

38 & 39 Vict.
c. 83.

“Statutory securities” means any securities in which trustees are for the time being authorised by law to invest trust money and any mortgages bonds debentures debenture stock stock or other securities created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery ;

41 & 42 Vict.
c. 76.

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

“Town clerk” “treasurer” “medical officer” “surveyor” and “sanitary inspector” mean respectively the town clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the borough and include any person duly appointed by the Corporation to discharge temporarily the duties of any of those officers ;

“Water undertakers” for the purposes of Part III (Heating undertaking) of this Act in relation to a district or part of a district means every company local authority board committee or other person supplying water under an enactment in that district or part of a district.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

EXTENSION OF BOROUGH BOUNDARIES

Commencement

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

Provided that for the purposes of—

- (a) the qualification of candidates for election on or after the appointed day to the office of alderman or councillor of the borough ;
- (b) any election to be held on or after the appointed day for any area affected by this Part of this Act and of all proceedings preliminary or relating thereto ;
- (c) the compilation alteration or rearrangement of any register of electors made under the Representation of the People Acts ;
- (d) the preparation of any precept or contribution order to be issued or made in respect of any period commencing on or after the appointed day ; and
- (e) section 8 (Borough map) section 34 (Executive councils) and section 43 (Provisions as to register of electors) of this Act ;

this Part of this Act shall operate from the passing of this Act.

6.—(1) The boundary of the existing borough the area whereof is included within the outer edge of the green line on the borough map shall be altered so as to include in addition to that area the added area. Extension of borough.

(2) The boundary of the borough shall be that shown by the inner edge of the red line on the borough map and the whole of the area within that boundary shall for all purposes be the borough and the county borough of Doncaster.

7.—(1) The added area shall be added to and form part of the township of Doncaster. Alteration of township and parish.

(2) The excluded part of the parish shall form the parish of Cantley.

8.—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent by him as soon as may be after the passing of this Act to the clerk of the county council to the clerk to the rural council to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Minister to the Minister of Transport to the Minister of Fuel and Power to Borough map.

PART II
—cont.

the Minister of Agriculture and Fisheries to the Postmaster-General to the Minister of Town and Country Planning and to the Boundary Commission for England.

(2) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of such map so far as it relates to the boundary of any area altered by this Part of this Act.

(3) The borough map deposited with the town clerk shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from such map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

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

Provisions consequent on extension

Existing mayor
aldermen and
councillors.

9. Subject to the provisions of this Part of this Act the persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing borough shall on the appointed day become the mayor aldermen and councillors of the borough but shall respectively retire from office on the day on which they would have retired from office if this Act had not been passed and any casual vacancy which may exist on the appointed day in the office of councillor for any ward of the borough altered by this Part of this Act shall be deemed to exist in the office of councillor for that ward as so altered.

Municipal
wards
aldermen and
councillors.

10. Subject to the provisions of the Act of 1933 with respect to the alteration of the number and boundaries of wards and the number of councillors the following provisions shall have effect:—

- (a) The number of aldermen and councillors of the borough shall remain unaltered;
- (b) For the purposes of the election of councillors the borough shall continue to be divided into twelve wards;
- (c) The added area shall be included in the Bessacarr Ward of the existing borough;
- (d) The councillors representing the Bessacarr Ward of the existing borough immediately before the appointed day shall be deemed on and after that day to represent the said ward as altered by this Part of this Act and shall remain in office until the day on which they would have retired if this Act had not been passed;
- (e) Except as provided by paragraph (c) of this section the wards of the borough shall remain unaltered.

11. For the purposes of the application to the borough of the provisions of paragraph (c) of section 57 of the Act of 1933 the added area shall be deemed always to have formed part of the borough.

PART II
—cont.
Qualification
for election
and office.

12. The added area shall be separated from the electoral division of the county of which it forms part immediately before the appointed day.

County
electoral
division.

13.—(1) The powers and duties of the quarter sessions recorder coroner and clerk of the peace of the existing borough of the justices of the peace appointed for the existing borough and of the clerk to those justices and of the police constables and other peace officers of the existing borough shall extend to and apply throughout the borough:

Jurisdiction
of borough
justices etc.
extended.

Provided that—

(a) every person alleged to have committed an offence in any part of the added area before the appointed day shall be tried and dealt with as if this Act had not been passed;

(b) any proceeding which before the appointed day has been begun by or is pending before any coroner or any justice in relation to any matter arising in or concerning the added area or any part thereof may be carried on continued and completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

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

(3) (a) Where immediately before the appointed day a probation order made or having effect as if made under section 3 of the Criminal Justice Act 1948 is in force and the probationer is residing in any part of the added area the supervising court may if a petty sessional division of the county is named in the order amend the order under paragraph 2 of the First Schedule to that Act as if the probationer had changed his residence.

11 & 12 Geo. 6.
c. 58.

(b) Nothing in the proviso to subsection (1) of this section shall be construed in relation to any probation order whenever made as preventing the justices of the peace for the borough as the supervising court from dealing with the probationer in pursuance of any power conferred upon them by the said Act of 1948.

14. The persons who immediately before the appointed day are the county councillors representing the Rossington division of the county shall be deemed to have been elected to represent that division as altered by this Part of this Act and shall retire on the date on which they would have retired if this Act had not been passed and any casual vacancy which may

County
councillors.

PART II
—cont.

exist on the appointed day in the representation of the said electoral division shall be deemed to exist in the representation of that division as so altered.

District
councillors and
continuance of
rural council.

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

- (a) The persons who immediately before the appointed day are the rural district councillors for the existing parish shall continue to represent that parish as altered by this Part of this Act on the rural council until the day upon which they would have gone out of office respectively if this Act had not been passed and any casual vacancy which may exist on the appointed day in the representation of the said parish shall be deemed to exist in the representation thereof as so altered ;
- (b) The rural council shall continue and shall be deemed to have been elected for and shall be the rural district council for the rural district as altered by this Part of this Act.

Parish council
and parish
councillors.

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

- (a) Any person who immediately before the appointed day is a parish councillor for the existing parish shall continue to represent that parish as altered by this Part of this Act until the day upon which he would have gone out of office if this Act had not been passed and any casual vacancy which may exist on the appointed day in the representation of the said parish shall be deemed to exist in the representation thereof as so altered ;
- (b) The parish council of the existing parish shall be the parish council of that parish as altered by this Part of this Act ;
- (c) The powers or duties of the parish council of the existing parish so far as they relate to or affect any part of the added area shall be vested in the Corporation.

Corporation
property
liabilities etc.

17. Subject to the provisions of this Part of this Act all property immediately before the appointed day vested in the Corporation for the benefit of the existing borough (not being property held on any charitable trust) shall by virtue of this Part of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which immediately before that day are exercisable by or vested in the Corporation for the benefit of the existing borough and all liabilities which immediately before the appointed day attach to the Corporation in respect of the existing borough shall on that day attach to them in respect of the borough.

18. So much of any sums borrowed by the Corporation or by their predecessors as immediately before the appointed day is owing and charged upon a fund or rate of the existing borough or the revenues of the Corporation of the existing borough shall be charged upon the revenues of the Corporation of the borough and all interest due on any such moneys outstanding at any time shall be paid out of the revenues of the Corporation of the borough.

PART II
—cont.Loan debts of
Corporation.

19. Subject to the provisions of this Part of this Act and to any necessary adjustments thereunder—

Loan debts of
county and
rural councils.

(a) The liability for the repayment of so much of any moneys borrowed by the county council or by the rural council (or their respective predecessors) in respect of any property transferred to the Corporation under this Act or for a purpose relating exclusively to the added area or any part thereof as immediately before the appointed day is owing and for the payment of interest thereon shall by virtue of this Part of this Act be transferred to and attach to the Corporation ;

(b) So much of any moneys borrowed as aforesaid as immediately before the appointed day is owing shall by virtue of this Act be charged upon the revenues of the Corporation of the borough ;

(c) Nothing in this Part of this Act shall prejudice or affect the validity of any mortgage or other security which has been granted in respect of any borrowed moneys the liability for the repayment of which is transferred to the Corporation by paragraph (a) of this section or prejudice or diminish the powers of any person entitled under any such mortgage or other security to enforce the same as if this Act had not been passed and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Act the power may continue to be exercised as if this Act had not been passed and the general rate shall for any such purpose be levied and have effect in substitution for the rate which would have been leviable if this Act had not been passed.

20. The county council the standing joint committee of the county the rural council (except as provided in section 49 (Contribution orders precepts and arrears of rates) of this Act) and the parish council shall cease to exercise any powers or discharge any duties within any part of the added area.

Powers of
county rural
and parish
councils.

21. Subject to the provisions of this Part of this Act and to any necessary adjustments—

Property etc.
of county
council rural
council and

(a) any property or liabilities which immediately before the appointed day is or are vested in or attach to the county parish council.

PART II
—cont.

council the rural council or the parish council in relation exclusively to any part of the added area shall by virtue of this Act be transferred to and vest in or attach to the Corporation and shall be a matter for adjustment under this Part of this Act ;

- (b) any property or liabilities which immediately before the appointed day is or are vested in or attach to any of the said councils in relation to any part of the added area conjointly with any other area shall be a matter for adjustment under this Part of this Act.

Urban powers
in excluded
part of parish.

22. All the powers rights duties capacities liabilities and obligations of an urban district council and the powers in relation to the chargeability of expenses with which the rural council are invested in pursuance of any order issued by the Local Government Board or the Minister under the Public Health Acts in respect of the existing parish shall be deemed to vest in and attach to the rural council in respect of that parish as altered by this Part of this Act.

Local Acts.

23.—(1) Subject to the provisions of this Part of this Act the unrepealed provisions of the local Acts or any other local Act or Provisional Order duly confirmed by Parliament and affecting the existing borough or the Corporation thereof as the same respectively are in force within the existing borough immediately before the appointed day shall extend and apply to the borough and any reference in any such Act or Order to the existing borough and the Corporation thereof shall be deemed to refer to the borough and the Corporation thereof.

(2) The provisions of any protective section for the benefit of the county council or of the rural council or of the parish council or the predecessors of any such council contained in any local Act confirmation Act or Provisional Order by whomsoever obtained so far as they relate to or affect any part of the added area shall enure on and after the appointed day to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to any such council or their predecessors as the case may be.

Adoptive Acts.

24.—(1) Subject to the provisions of this Part of this Act the provisions of any public general Act in force throughout the existing borough by virtue of an adoption by the council or their predecessors and any order in force under such Act throughout the existing borough shall apply to the borough.

(2) Subject to the provisions of subsection (1) of this section the provisions of any public general Act in force in the added area by virtue of an adoption by the rural council or their predecessors and any order in force under such Act in the added area shall cease to have effect in relation to such area.

PART II
—cont.

(3) This section shall not apply to any order made under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925.

7 Edw. 7. c. 53.
15 & 16 Geo. 5.
c. 71.

25. Any order under the Shop Hours Act 1904 or under the Shops Acts 1912 to 1938 which is in force immediately before the appointed day in any area affected by this Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applies immediately before the appointed day.

Orders under
Shop Hours
Act 1904 and
Shops Acts
1912 to 1938.
4 Edw. 7. c. 31.

26. Any order under the Wild Birds Protection Acts 1880 to 1939 which is in force immediately before the appointed day in the existing borough shall extend to the added area and any order under those Acts which is then in force in the county shall cease to extend to the added area.

Orders under
Wild Birds
Protection
Acts.

27. The Sunday Entertainments Act 1932 shall from the appointed day apply to the borough as before that day it applied to the existing borough.

Sunday
Entertainments
Act 1932.
22 & 23
Geo. 5. c. 51.

28. In relation to any child who is on the appointed day in the care of the county council under section 1 of the Children Act 1948 and who when he was received into their care was ordinarily resident in the added area subsection (4) of the said section 1 shall without prejudice to the powers of the Secretary of State to determine any questions arising under the subsection as to ordinary residence have effect as if the child being on the appointed day resident in the borough had on that day been received into the care of the county council under the said section 1.

Transfer of
duties under
section 1 of
Children
Act 1948.
11 & 12 Geo. 6.
c. 43.

29. Subject to the provisions of any order which the Minister may make after the passing of this Act the provisions of any order made before the passing of this Act by the Local Government Board or the Minister and conferring upon the council of the existing borough any of the powers relating to the matters mentioned in section 33 of the Local Government Act 1894 or in section 271 of the Act of 1933 and in that order so far as such powers are still in force or still have effect shall be deemed to have effect as if any reference in those provisions to the existing borough the council of the existing borough and the existing township of Doncaster extended and applied respectively to the borough the council of the borough and the township of Doncaster as extended by this Part of this Act.

Powers under
section 33
of Local
Government
Act 1894 and
section 271 of
Act of 1933.
56 & 57 Vict.
c. 73.

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

Orders under
Public
Health Acts
Amendment
Act 1907 or
Public Health
Act 1925.

(a) The provisions of any order made before the appointed day and declaring to be in force throughout the existing

PART II
—cont.

borough any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing borough extended and applied to the borough and as if such parts or sections were accordingly declared to be in force within the borough ;

- (b) The provisions of any other order made under either of those Acts which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added area ;
- (c) The provisions of any order made before the appointed day and declaring to be in force within any part of the added area any parts or sections of either of those Acts shall cease to apply to any such part of the added area and the parts or sections declared by any such order to be in force shall (save as in this section provided) cease to be in force within any such part of the added area but this section shall not prejudice or affect any proceedings which are pending on the appointed day.

Byelaws
regulations
and scales
of charges.

31.—(1) All local government byelaws in force within the existing borough or within any part of the added area immediately before the appointed day shall continue to apply to the existing borough or to such part of the added area as the case may be until repealed or altered by the Corporation.

(2) Notwithstanding the foregoing provisions of this section any such byelaw in force in the existing borough may by a byelaw be extended with or without modification to the added area.

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

(4) All byelaws other than local government byelaws made by the Corporation or by the watch committee of the existing borough and in force immediately before the appointed day shall apply to the borough until repealed or altered and any such byelaw made by the county council or the standing joint committee of the county or by the rural council shall on that day cease to apply within the added area.

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

(6) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments and the

phrase "local government byelaws" means byelaws which if they had been made immediately before the appointed day would have been required to be confirmed by the Minister.

PART II
—cont.

32. Any scheme of divisional administration made by the county council as local education authority and approved by the Minister of Education under Part III of the First Schedule to the Education Act 1944 affecting the added area or any part thereof immediately before the appointed day shall cease to apply to that area on that day.

Orders under
Education
Act 1944.
7 & 8 Geo. 6.
c. 31.

33.—(1) The area of the Corporation as burial board for the existing borough shall be altered by the inclusion in such area of the added area and the Corporation shall have within such area as so altered to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906.

Burial board.

(2) Any table of fees and charges in force in respect of any existing burial ground maintained by the Corporation shall extend and apply to inhabitants of the burial area of the Corporation as altered by this section as such table applies to inhabitants of the existing burial area of the Corporation.

(3) Except as by this Part of this Act expressly provided nothing therein shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired before the appointed day or prejudicially affect any right privilege or authority which immediately before the appointed day is exercisable by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906.

34.—(1) The Minister may by order made before the appointed day make such provision as seems to him expedient for all or any of the following matters:—

Executive
councils.

- (a) for providing that the names of medical practitioners who immediately before the appointed day are providing general medical services in the added area under the National Health Service Act 1946 shall be included in the medical list of the executive council of the borough;
- (b) for providing that the alteration of the boundaries of the borough authorised by this Part of this Act shall not affect any services under Part IV of the said Act of 1946 which have been commenced but not completed before the appointed day;
- (c) for providing for the transfer to the executive council of the borough of any property rights or liabilities of the executive council of the county which relate exclusively to the added area;

9 & 10 Geo. 6.
c. 81.

PART II
—cont.

- (d) for the making of financial adjustments between the said executive councils ;
- (e) for providing that the executive council of the county shall continue to act as the executive council for the added area until such date as may be specified in the order not being later than the thirty-first day of December one thousand nine hundred and fifty-one ; and
- (f) for any supplementary or incidental matters.

(2) Any order made under this section may be revoked or varied by a subsequent order of the Minister made before or after the appointed day.

(3) Subject to any order made under this section the persons who immediately before the appointed day are members of the respective executive councils of the county and the borough shall be deemed to have been appointed as and shall be members of the respective executive councils of the county and the borough as altered by this Part of this Act.

Officers

Meaning of
" officer " in
certain sections
of this Act.

35. In section 36 (Officers of Corporation continued) and section 37 (Existing officers) of this Act the expression " officer " unless the context otherwise requires includes a servant.

Officers of
Corporation
continued.

36. The town clerk and all other officers of the Corporation of the existing borough who hold office immediately before the appointed day shall continue to be the town clerk and officers of the Corporation of the borough and shall hold their offices by the same tenure as before that day.

Existing
officers.

37.—(1) All persons who at the passing of this Act are officers employed whole time by the county council or the rural council exclusively in the added area shall be transferred to and become officers of the Corporation.

(2) Every officer so transferred shall hold his office by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing analogous duties to those which he was required to perform immediately before the appointed day shall receive not less salary or remuneration and be entitled to not less superannuation allowance (if any) than the salary remuneration or superannuation allowance to which he would have been entitled if this Act had not been passed.

(3) The Corporation may distribute the business to be performed by any officer so transferred in such manner as the Corporation may think proper and every officer shall perform such duties in relation to that business as may be directed by the

Corporation and the Corporation may abolish the office or determine the appointment of any officer subject nevertheless to the consent of the Minister if the officer is removable only with the consent of or by the Minister.

PART II
—cont.

Supplementary provisions

38. For the purposes of all valuation lists of the borough under the Rating Act the amount of the deduction to be made under paragraph (c) of subsection (1) of section 22 of that Act from the net annual value of such rateable hereditaments within the added area as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall be the same as the amount of the deduction made from the net annual value of similar hereditaments in the existing borough.

Deduction in ascertaining rateable value of land covered with water etc.

39.—(1) The valuation list of the existing borough and the portions of the valuation list of the rural district which relate to hereditaments within the added area modified as may be necessary to give effect to the provisions of the preceding section shall together form the valuation list of the borough as from the appointed day.

Valuation lists.

(2) The remaining portion of the valuation list of the rural district shall be the valuation list of that district as from the appointed day.

40.—(1) Where in consequence of any alteration of areas or authorities made by this Part of this Act any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration is required an adjustment shall be made between the councils or other authorities affected under and in accordance with sections 151 and 152 of the Act of 1933 as if this Act were an order made under Part VI of that Act.

Financial adjustments.

(2) This section shall not extend to any matter for the adjustment of which provision is made in any other Act or in section 41 (Adjustment for purposes of licensing) of this Act.

41.—(1) An equitable adjustment shall be made between the county and the borough respecting the interest of the added area in any compensation fund constituted under section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

Adjustment for purposes of licensing. 10 Edw. 7. & 1 Geo. 5. c. 24.

(2) Such adjustment shall be made by agreement between the compensation authorities (as defined by Part II of the Licensing Act 1949) for the county and for the borough within twelve months from the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

12 & 13 Geo. 6. c. 59.

PART II
—cont.

(3) For the purpose of such adjustment section 151 of the Act of 1933 shall apply subject to the modification that the arbitrator shall be appointed by the Secretary of State instead of by the Minister.

Saving for private street works. 55 & 56 Vict. c. 57.

42.—(1) No alteration effected by this Part of this Act shall affect any notices given or proceedings taken by or on behalf of the county council under the Private Street Works Act 1892 in relation to any street situate within the added area or any part thereof but such proceedings may be continued and completed by such council in accordance with the provisions of the said Act as if this Act had not been passed.

(2) Where before the appointed day any works under section 150 of the Public Health Act 1875 or the Private Street Works Act 1892 have been completed in a street situate within the added area or any part thereof no alteration effected by this Part of this Act shall affect the liability of any owner to defray any sum which may be or has been apportioned upon him in respect of the cost of the works and any such sum shall be recoverable by the Corporation.

Provisions as to register of electors.

43.—(1) For the purposes of the register of electors published in the year one thousand nine hundred and fifty-one and of all matters connected with incidental to or consequent upon those purposes the added area shall be deemed to have formed part of the borough as from the qualifying date for elections for which that register is to be used.

(2) If the register of local government electors for any electoral area affected by this Part of this Act is not so framed as to show the persons entitled to vote at an election to be held for such electoral area the registration officer of the borough of Doncaster registration area or the registration officer of the county of the west riding of Yorkshire registration area (as the case may be) shall make such alteration or rearrangement of the register as may be necessary for the purposes of such election.

(3) The additional expense incurred by either of the said registration officers which may be solely attributable to an alteration or rearrangement of the register of electors under this section shall be defrayed by the Corporation.

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

Jury service.

44. For the purpose of summoning jurors and of jury service the existing parish shall be deemed to continue unaltered until a new jurors' book for the parish as altered comes into force.

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

Local land
charges
registers.
15 Geo. 5.
c. 22.

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

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

- (a) The local registrar for the borough shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the rural district and in the register for the county;
- (b) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the rural district the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county a copy of the application;
- (c) The local registrar for the rural district and the local registrar for the county shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed;
- (d) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrar for the county in pursuance of the provisions of paragraph (c) of this subsection shall be paid by the Corporation;
- (e) Where an entry of a local land charge which has been duly made in the local land charges register of the county or of the rural district is required by this section to be transferred from the register of such county or district to the register of the borough such charge

PART II
—cont.

shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the borough.

Town
planning.

46.—(1) As from the passing of this Act the Corporation shall be entitled at all reasonable times to inspect and take copies of all plans or documents relating to any land within the added area which are in the possession or under the control of the county council or the rural council for the purposes of or in connection with the Town and Country Planning Act 1947 and the county council and the rural council shall supply to the Corporation such information and shall afford to them such assistance for the purposes of or in connection with the said Act as the Corporation may reasonably require.

(2) An office copy of every entry in the register relating to any land within the added area kept by the county council under section 14 of the said Act of 1947 shall within one month after the appointed day be supplied to the town clerk by the clerk of the county council or the clerk of the rural council having the custody of that part of the register in which the entry appears as the case may be.

(3) The town clerk shall within one month after the receipt of the office copy mentioned in subsection (2) of this section enter the same with any necessary modifications in the register kept by the Corporation under section 14 of the said Act of 1947.

(4) Any application for planning permission or for any consent or approval under the said Act of 1947 or for a determination under section 17 of that Act made to the county council or the rural council on their behalf before the appointed day and not determined before that day shall so far as it relates to land within the added area be treated as a like application made to the Corporation and shall be treated as having been so made on the appointed day:

Provided that it shall not be necessary for the Corporation to consult with any authority person or body with whom consultation has already taken place in relation to that application.

(5) Any order agreement permission approval determination consent notice proceeding or decision made taken or given by the county council as local planning authority under the said Act of 1947 or having effect as if so made taken or given and in force immediately before the appointed day shall so far as it relates to any land within the added area have effect as if it had been made taken or given by the Corporation as such authority in respect of that land.

(6) Nothing in this Act shall affect any direction approval consent or decision given by the Minister of Town and Country Planning or the Minister of Transport under or in pursuance of

the said Act of 1947 or any enactment thereby repealed relating to any land within the added area and in force immediately before the appointed day and any such direction approval consent or decision shall apply to the Corporation as local planning authority in the same manner as it would have applied to the county council as local planning authority if this Act had not been passed.

47.—(1) The clerk of the county council and the clerk of the rural council shall as soon as may be after the passing of this Act and in any case before the appointed day send to the town clerk a copy of every entry in any register of the county council or of the rural council as the case may be under any enactment rule order or regulation for the time being in force which relates to any property matter or thing relating to or which otherwise affects the added area and the town clerk shall include in the appropriate register of the Corporation the particulars respectively furnished by the clerk of the county council and by the clerk of the rural council. Entries in registers.

(2) Subsection (1) of this section shall not extend to any matter for which provision is made in section 45 (Local land charges registers) or section 46 (Town planning) of this Act.

(3) In this section the expression "register" includes any list kept for the purposes of Part II of the Pharmacy and Poisons Act 1933. 23 & 24
Geo. 5. c. 25.

48.—(1) As soon as practicable after the appointed day the county council and the rural council shall as regards any cash balances remaining in their hands respectively at the appointed day after deducting therefrom undischarged debts liabilities and outgoings normally payable thereout and which have accrued up to the appointed day estimate the proportion thereof derived from contributions paid by any part of the added area and shall transfer such amount to the Corporation. Apportionment of balances etc.

(2) The county council and the rural council shall pay and discharge all their debts liabilities and outgoings (including rates taxes and assessments) which shall have become payable or accrued due in relation to the added area immediately before the appointed day.

(3) The Corporation shall pay and discharge all their debts liabilities and outgoings which shall become payable or accrue due after the appointed day in relation exclusively to the added area or any part thereof.

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

PART II
—cont.

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

Contribution
orders
precepts
and arrears
of rates.

49.—(1) Notwithstanding the alteration of areas effected by this Part of this Act all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Act had not been passed.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added area shall be collected and recovered by the Corporation.

(3) All rates so collected and recovered by the Corporation shall be a matter for adjustment under this Part of this Act.

Parish
books and
documents.

50.—(1) All public books writings and papers of the existing parish in relation exclusively to any part of the added area and all documents relating to any part of the added area and directed by law to be kept with the public books writings and papers of such parish (except any book or document relating to the affairs of the church or to ecclesiastical charities or to a parochial non-ecclesiastical charity) and all plans papers and writings of the county council and the rural council relating exclusively to any part of the added area shall be deposited in such custody as the Corporation may direct.

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

As to
registration
districts.

51. Nothing in this Part of this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in sections 24 and 131 of the Act of 1929 as to the alteration thereof.

As to London—
Edinburgh—
Thurso
trunk road.

1 Edw. 8. &
1 Geo. 6. c. 5.

9 & 10 Geo. 6.
c. 30.

Saving for
qualification of
aldermen and
councillors.

52. On the appointed day the section of the London—Edinburgh—Thurso trunk road (A.1) within the added area shall cease to be a trunk road and the Corporation shall be the highway authority therefor and the Trunk Roads Act 1936 shall apply in relation thereto as it applies in relation to a road ceasing to be a trunk road under that Act without prejudice however to any future exercise of the powers of the Minister of Transport under section 1 of the Trunk Roads Act 1946.

53. Any alderman or councillor who is to continue in office after the appointed day shall not during his term of office current immediately before that day be deemed to lose his qualification for being an alderman or councillor by reason of the alterations of areas made by this Part of this Act.

54.—(1) No alteration effected by this Part of this Act in the area of any local authority shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by any such authority or their predecessors:

PART II
—cont.

Savings for
actions
contracts etc.

Provided that—

(a) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority in relation exclusively to any part of the added area may be continued prosecuted and enforced by or against the Corporation; and

(b) all contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by any such authority (or their predecessors) in relation exclusively to any part of the added area shall continue in force as fully and effectually as if instead of such authority (or their predecessors) the Corporation had been a party thereto.

(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Act.

55. Nothing in this Act shall—

Saving
provisions.

(a) be construed as restricting any power under the Act of 1929 or the Act of 1933 of altering any of the areas or the constitution of any authority or committee;

(b) alter the area of any constituency or affect the powers of the Corporation or the county council under section 11 of the Representation of the People Act 1949 for the division of a constituency into polling districts for parliamentary elections and the appointment of polling places for parliamentary elections; 12 & 13 Geo. 6. c. 68.

(c) alter the area of any ecclesiastical parish or prejudice vary or affect any power right interest or jurisdiction in over or in connection with any charitable endowment;

(d) (save as in this Act expressly provided) affect the provisions of the Rating and Valuation Acts 1925 to 1940 and of Parts III and IV of the Local Government Act 1948; 11 & 12 Geo. 6. c. 26.

(e) affect land tax; or

(f) affect any limitation imposed on the duration of any byelaw by the Act of 1936.

PART II

—cont.

Saving for
electricity
board.

56. Nothing in this Part of this Act shall prejudice or affect the existing rights or powers of the electricity board in relation to the supply of electricity within the added area or any part thereof.

PART III

HEATING UNDERTAKING

Supply of heat.

57.—(1) The Corporation may supply heat to such premises as they may think fit in the borough upon and subject to the terms and conditions provided by this Part of this Act and such other terms and conditions as may be agreed between the Corporation and the owners or occupiers of those premises:

Provided that in the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(2) Without prejudice to the generality of the foregoing provisions of this section such terms and conditions may include the power to cut off a supply of heat in such circumstances as may be prescribed in those terms and conditions.

(3) Before the Corporation enter into an agreement with the occupier of any premises for the supply of heat to such premises they shall give notice of their intention so to do to the owner of the premises and in the event of the supply of heat to such premises being discontinued notice of such discontinuance shall be given by the Corporation to the owner of such premises.

Supply of
hot water.

58. The Corporation may in addition to or instead of supplying heat to any premises to which they are authorised by this Part of this Act to supply heat supply hot water to such premises and the provisions of this Part of this Act relating to the provision storage transmission distribution and supply of heat by the Corporation shall apply to the provision storage transmission distribution and supply of hot water by the Corporation.

Works for
provision
of heat.

59.—(1) Subject to the provisions of this Part of this Act the Corporation may on lands in the borough belonging or leased to them erect lay down maintain work and use stations boiler-houses mains pipes and other works for providing storing transmitting distributing and supplying heat and for producing any material product matter or thing arising or used in the process of such provision of heat (including the generation of electricity) together with such buildings boilers engines machinery sidings electric lines matters and things of whatever description as may be required by the Corporation to enable them to provide store transmit distribute and supply heat and the Corporation may accordingly on those lands provide store transmit distribute and supply heat and may produce such materials products matters and things:

Provided that—

PART III
—cont.

(a) nothing in this section shall be taken to dispense with the consent of any government department to any use of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted ;

(b) any electrical works or apparatus erected laid down maintained worked and used in pursuance of this section shall be so constructed maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(2) Any electricity generated by the Corporation as aforesaid may be sold—

(a) to the authority ; or

(b) with the approval of the authority to the electricity board ;

and any electricity so generated and not so sold as aforesaid may only be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated or (with the consent of the authority and the electricity board) elsewhere.

(3) The authority shall take all the electricity generated by the Corporation as aforesaid which is not—

(a) required for or in connection with the supply of heat ; or

(b) supplied to the electricity board with the approval of the authority ;

upon such terms and conditions as may be agreed between the Corporation and the authority or in default of agreement determined by arbitration on the basis of a supply by a willing seller to a willing buyer.

60.—(1) If the Council shall resolve to construct extend modify or enlarge a station for providing heat under the powers of this Part of this Act they shall forthwith give to the Minister of Fuel and Power and to the authority and to the gas board notice of such resolution together with such information with regard to such station as the authority or the gas board as the case may be may within six weeks of the service of such notice reasonably require including information as to the nature position and capacity of the proposed station (but not details of design) the proposed method of producing heat thereat the area proposed to be supplied therefrom and an estimate of the quantity or quantities of heat required by the Corporation and of the times and form at and in which such quantity or quantities will be required Any dispute between the Corporation on the

As to
construction of
station for
providing
heat.

PART III
—cont.

one hand and the authority and the gas board or either of them on the other hand as to whether any information is reasonably required by the authority and the gas board or either of them under this subsection shall be referred to and determined by the Minister of Fuel and Power.

(2) Within three months after the service of the said notice or the receipt of such information (whichever is the later) the authority and the gas board or either of them may serve upon the Corporation a counter-notice offering a supply of heat to them upon such terms and conditions as may be specified in the counter-notice or as may be agreed between the Corporation and the authority or the gas board as the case may be.

(3) If within three months after the receipt of such counter-notice or such longer period as may be agreed between the Corporation and the authority or the gas board as the case may be the terms and conditions upon which a supply of heat is to be given to the Corporation by the authority or the gas board as the case may be for the purposes of the heating undertaking are not agreed between them the Corporation shall submit to the Minister for determination the question whether a supply of heat shall be afforded to the Corporation by the authority or the gas board and (if he determines that a supply of heat is to be afforded by the authority or the gas board) the terms and conditions upon which such a supply is to be afforded.

(4) If the Minister determines that a supply of heat shall be afforded to the Corporation by the authority or the gas board the authority or the gas board as the case may be shall afford such a supply in accordance with the terms and conditions approved by the Minister:

Provided that if the Minister makes a substantial alteration in the terms or conditions on which the authority or the gas board offered a supply of heat to the Corporation then if within twenty-eight days after the receipt of the determination of the Minister the authority or the gas board as the case may be give notice in writing to the Minister and the Corporation that the said terms or conditions are not acceptable they shall not be required to afford a supply of heat to the Corporation and the Corporation shall be entitled to proceed with their proposals as if this section had not been enacted unless within twenty-eight days of such last-mentioned notice the Corporation serve on the authority or the gas board as the case may be a notice requiring a supply in which case the authority or the gas board as the case may be shall afford a supply on the terms and conditions specified in the counter-notice referred to in subsection (2) of this section.

Power to buy
heat in bulk.

61.—(1) The Corporation may enter into and carry into effect agreements with any persons competent to supply heat for the furnishing to the Corporation by such persons of a supply of heat for the purposes of this Part of this Act and any such agreement

may provide for the provision by the Corporation or for the joint user by them and any other party to the agreement of any works plant materials or things required for the purposes of the agreement.

(2) The Corporation may for the said purposes also enter into and carry into effect agreements for the taking and use of waste heat hot water or steam from any generating station or gasworks and any authority entitled to give any such supply may enter into such an agreement.

62.—(1) The Corporation may be authorised by the Minister to purchase compulsorily for the purposes of the heating undertaking land in the borough. Purchase of land for heating undertaking.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act. 9 & 10 Geo. 6. c. 49.

(3) In this section the expression “land” includes easements and rights in respect of land and the Corporation may be authorised under this section to acquire compulsorily such easements or rights only as they may require without purchasing any other interest in the land. In relation to the compulsory acquisition of any such easement or right the Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land in respect whereof the easement or right is acquired and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the easement or right.

(4) Where the Corporation have acquired an easement or right only in any land under this section—

(a) they shall not be required or (except by agreement) entitled to fence off or sever that land from the adjoining land ;

(b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use and cultivate the land as if this Act had not been passed.

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal by whom the compensation is to be assessed determines that the easement or right can be

PART III
—cont.

granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house :

Provided that nothing in this subsection shall apply to land forming part of a street.

(6) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (5) of this section.

Power to lay
mains etc.
and break
open streets.
8 & 9 Geo. 6.
c. 42.

63.—(1) The provisions of Part V (Power to lay mains &c.) and Part VI (Breaking open streets &c.) and section 93 of the Third Schedule to the Water Act 1945 are hereby incorporated with this Part of this Act.

(2) For the purposes of this Part of this Act in the construction of the provisions incorporated by this section—

“ the undertakers ” means the Corporation ;

“ supplying water ” means supplying heat and “ supply of water ” shall be construed accordingly ;

“ service pipe ” means a pipe for supplying heat from a main to any premises ; and

“ the limits of supply ” means the borough.

(3) Nothing in the provisions incorporated by this section shall authorise the Corporation—

(a) to lay down a main outside the borough except for the purpose of—

(i) giving or facilitating a supply of heat within the borough ; or

(ii) taking a supply of heat from any works or premises outside the borough ;

(b) to supply heat to any premises outside the borough.

Consultation
with authority
and boards
as to certain
works.

64.—(1) Before the Corporation—

(a) apply to the appropriate sanctioning authority for consent to the borrowing of money for the purpose of constructing laying down or executing any works for providing storing transmitting or distributing heat under the powers of this Part of this Act ; or

(b) lay down any main under the provisions of this Part of this Act other than a main extending for a distance of not more than two hundred yards from any main laid down in accordance with proposals previously made under this section ;

they shall give to the Minister of Fuel and Power and to the authority and the electricity board and the gas board notice of their proposals and such information with regard thereto as the authority or the electricity board or the gas board may within

six weeks of the receipt of such notice reasonably require and shall consult with the authority and the electricity board and the gas board on such proposals. Any dispute between the Corporation and the authority or the electricity board or the gas board as to whether any information is reasonably required by the authority or the electricity board or the gas board under this subsection shall be referred to and determined by the Minister of Fuel and Power.

(2) Without prejudice to the generality of subsection (1) of this section such information shall include particulars of the proposals (if any) of the Corporation as to the standards of heat proposed to be maintained in premises supplied with heat under the powers of this Part of this Act and the measures to be taken with respect to—

- (a) the securing of the safety of the mains pipes and apparatus of the authority and the electricity board and the gas board from damage or injury arising directly or indirectly from any mains or pipes to be laid down or placed by the Corporation under the powers of this Part of this Act ;
- (b) the insulation of any such last-mentioned mains or pipes so as to prevent the escape of heat therefrom ;
- (c) the maximum and minimum temperatures and pressures at which hot water or steam may be stored transmitted or distributed by the Corporation ;
- (d) the methods for measuring the volume temperature and pressure of the hot water or steam so stored transmitted or distributed ; and
- (e) the independent testing of such measurements.

(3) The authority and the electricity board and the gas board or any of them may within three months after the receipt of such notice or the receipt of such information (whichever is the later) make representations to the Minister of Fuel and Power with respect to such proposals.

(4) If no such representations are made the Corporation shall not proceed except in accordance with the proposals sent to the authority and the electricity board and the gas board or any alteration thereof which may be agreed.

(5) If any such representations are made the Corporation shall not proceed with their proposals except with the approval of the Minister of Fuel and Power and in accordance with any modification of such proposals which the Minister of Fuel and Power may require.

(6) The provisions of this section shall not apply to the construction extension modification or enlargement of a station for providing heat under the powers of this Part of this Act.

PART III

—cont.

Power to lay
down or erect
electric
lines etc.

65.—(1) For the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 59 (Works for provision of heat) of this Act the Corporation may lay down or erect electric lines and apparatus—

- (a) in under or over any street in the borough subject however to the provisions of subsection (3) of this section ; and
- (b) with the consent of every owner and occupier of any land in the borough not forming part of a street in on or over that land ;

and may from time to time inspect repair alter or renew or may at any time remove any electric line or apparatus laid down or erected by them whether by virtue of this section or otherwise :

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be referred to and determined by the Minister.

(2) (a) Where the Corporation in the exercise of the powers of this section lay down or erect any electric line or apparatus in on or over any land not forming part of a street or inspect repair alter renew or remove any electric line or apparatus laid down or erected in on or over any such land they shall from time to time pay compensation to every person interested in that land for any damage done to or injurious affection of that land by reason of the inspection laying erection repair alteration renewal or removal of the electric line or apparatus.

(b) Any dispute as to the amount of compensation to be paid under this subsection shall be determined by arbitration.

(3) The provisions of Part VI (Breaking open streets &c.) of the Third Schedule to the Water Act 1945 (except in section 22 thereof the words “and outside those limits for the purpose of laying any mains which they are authorised to lay and of inspecting repairing renewing or removing mains” and in section 25 subsection (4) thereof) and section 93 of the said Third Schedule shall apply with the necessary modifications to the laying down erection inspection repair alteration renewal or removal of electric lines and apparatus under this section and for the purpose of such application the borough shall be deemed to be the limits of supply.

(4) The provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1936 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall so far as applicable extend and apply to any electric lines or apparatus laid down or erected

under this section and references in those provisions to the undertakers shall be construed as references to the Corporation.

PART III
—cont.

(5) The powers of this section shall not be exercised except with the consent of the authority and the electricity board.

66.—(1) In any premises to which the Corporation supply or propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such fittings as may be required for or in connection with the utilisation of the heat so supplied and may instal repair renew or alter any fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation repair renewal or alteration. Power to supply fittings.

(2) The Corporation may make such charges as may be agreed or in default of agreement as may be reasonable for any fittings supplied or any materials provided or work done under this section at the request of the owner or occupier of the premises supplied.

(3) Any fittings let by the Corporation for hire and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof—

(a) 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 any proceedings in bankruptcy against the person in whose possession the same may be; and

(b) shall notwithstanding that they be fixed or fastened to any part of the 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 (subject to the provisions of the Hire Purchase Act 1938) removable by the Corporation: 1 & 2 Geo. 6.
c. 53.

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) All fittings supplied by the Corporation under any hire purchase agreement shall until payment of the final instalment of the purchase money for such fittings be deemed for the purposes of subsection (3) of this section to be fittings let for hire by the Corporation.

(5) (a) The Corporation shall so adjust the charges to be made by them under this section as to meet any expenditure by them thereunder including interest upon any moneys borrowed for the purposes thereof and any sums carried to a sinking fund for repayment of moneys so borrowed.

(b) The total sums expended and received by the Corporation in connection with the purposes of this section in each year

PART III
—cont.

including interest and any sums carried to a sinking fund shall be separately shown in the abstract of accounts of the Corporation for that year.

(6) If any person wilfully injures or suffers to be injured any fittings belonging to the Corporation he shall be liable to a penalty not exceeding five pounds and the Corporation may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender and if the amount does not exceed twenty pounds summarily as a civil debt.

Heating
charges.

67.—(1) The Corporation may from time to time prescribe a scale of charges (in this Part of this Act referred to as “heating charges”) for heat supplied to premises under the powers of this Part of this Act and where heat is so supplied to any premises the heating charges in accordance with the scale shall be payable by the occupier of those premises except in any case where the owner has agreed to pay the same in which case they shall be payable by the owner.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by the Corporation either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

(3) Without prejudice to any other method of recovery any heating charges payable by the tenant of any premises belonging to the Corporation and connected as aforesaid may be recovered as rent due from him.

Security for
payment
of accounts.

68. The Corporation may require any person desiring to take a supply of heat or to be supplied with fittings or materials under this Part of this Act to deposit with the Corporation before taking such supply of heat or being supplied with such fittings such sum as the Corporation may reasonably require as security for the payment of any moneys which may become due from him to the Corporation in respect of such supply or of any fittings or materials supplied to him in connection therewith.

Notice to be
given before
quitting
premises
supplied
with heat.

69.—(1) If the occupier of any premises supplied with heat by the Corporation quits the premises without giving notice of his intention so to do to the Corporation in manner provided by this section he shall be liable to pay to the Corporation all money accruing due for heat supplied by them to the premises and for meter rent (if any) up to the next date on which the register of the meter for heating on the premises is usually ascertained or the date from which any subsequent occupier of the premises requires the Corporation to supply heat to the premises whichever first occurs.

(2) The notice to be given under this section by an occupier of premises shall be given in writing and sent by registered post or otherwise delivered to the Corporation at the treasurer's office Doncaster so that it is received by the Corporation at least twenty-four hours before he quits the premises.

(3) The foregoing provisions of this section or a statement of the effect thereof shall be endorsed upon every demand note for heating charges payable to the Corporation.

70.—(1) Subject to the provisions of this section any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter at all reasonable hours any premises to which the Corporation are supplying or have agreed to supply heat under the powers of this Part of this Act or any premises upon which any fittings have been installed for the purpose of or in connection with supplying heat to any premises as aforesaid for the purpose of—

Power to enter
premises.

- (a) inspecting and examining any fittings (whether belonging to the Corporation or not);
- (b) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any byelaws made thereunder or of any conditions subject to which a supply of heat was agreed to be furnished to any premises;
- (c) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this Part of this Act;
- (d) taking any action or executing any work authorised or required by this Part of this Act to be taken or executed by the Corporation:

Provided that (except in cases of emergency arising from defects in any fittings) admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier:

Provided also that nothing in this section shall authorise any authorised officer of the Corporation—

- (a) without the previous consent in writing of the authority or the electricity board or the gas board as the case may be to enter any premises occupied or used by the authority or the electricity board or the gas board in connection with the generation or supply of electricity or the manufacture storage or supply of gas other than offices or showrooms; or
- (b) without the previous consent of the commission to enter any premises (other than offices hotels or houses) occupied or used by the commission in connection with their undertaking.

PART III
—cont.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry ; and

(b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid ;

the justice may by warrant under his hand authorise the Corporation by any authorised officer to enter the premises if need be by force :

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Interference
with
apparatus etc.

71.—(1) If any person wilfully and without the consent of the Corporation turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to the Corporation and thereby improperly causes the supply of heat to be interfered with he shall be liable to a penalty not exceeding five pounds and (whether proceedings be taken against him in respect of his offence or not) the Corporation may recover from him the amount of any damage sustained by them either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

(2) If any person wrongfully takes uses or diverts any heat from any apparatus provided for the purposes of this Part of this Act he shall (without prejudice to any other right or remedy of the Corporation) be liable to a penalty not exceeding five pounds.

72.—(1) The Corporation may make byelaws for preventing the waste misuse or contamination of or interference with the circulation of hot water supplied or intended to be supplied by them under this Part of this Act or of hot water or steam used by them in connection with the supply and use of heat under this Part of this Act or for preventing the waste or undue consumption of heat supplied under this Part of this Act. Byelaws for protection of heating undertaking.

(2) Byelaws under this section may include provisions—

- (a) prescribing the size nature materials strength and workmanship and the mode of arrangement connection disconnection insulation alteration and repair of the fittings to be used ; and
- (b) forbidding the use of any fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—
 - (i) waste misuse or contamination of or interference with the circulation of hot water or steam ;
 - (ii) reverberation in pipes ; or
 - (iii) waste or undue consumption of heat.

(3) If any person contravenes the provisions of any byelaw made under this section the Corporation may without prejudice to their right to take proceedings for a penalty in respect of such contravention cause any fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

(4) Nothing in this section or in any byelaw made thereunder shall extend to any station for generating electricity belonging to the authority.

(5) Nothing in this section or in any byelaw made thereunder shall apply to any fittings used on premises which belong to the commission and are held or used by them for the purposes of their railway so long as those fittings are not of such a nature or so arranged or connected as to cause or permit or be likely to cause or permit—

- (a) waste misuse or contamination of or interference with the circulation of hot water or steam ;

PART III
—cont.

- (b) reverberation in pipes ; or
(c) waste or undue consumption of heat :

Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or dwelling-houses or in offices not forming part of a railway station.

Application of
certain Acts
to heating
undertaking.

73.—(1) The provisions of the Town and Country Planning Acts 1944 and 1947 shall where applicable apply to the heating undertaking as if that undertaking were a statutory undertaking and as if the Minister were the “appropriate Minister” within the meaning of section 119 of the Town and Country Planning Act 1947.

12 & 13 Geo. 6.
c. 32.

(2) For the purposes of section 4 of the Special Roads Act 1949 the Corporation in relation to the powers conferred upon them by this Part of this Act shall be deemed to be statutory undertakers.

Reports etc.
with respect
to heating
undertaking
etc.

74.—(1) The Corporation shall give to the authority and to the electricity board and the gas board such reports and returns and such information with respect to the heating undertaking as the authority or the electricity board or the gas board may reasonably require and the authority and the gas board shall give to the Corporation such reports and returns and such information with respect to any supply by them of heat as the Corporation may reasonably require.

(2) Any dispute between the Corporation on the one hand and the authority or the electricity board or the gas board on the other hand as to whether any reports returns or information are reasonably required by the authority or the electricity board or the gas board or the Corporation as the case may be shall be determined by the Minister of Fuel and Power.

For protection
of electricity
and gas
undertakers.

75. For the protection of the authority and the electricity board and the gas board (each of whom is in this section referred to as “the board”) the following provisions shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

(1) In this section—

the expression “apparatus” means—

(a) in relation to the authority or the electricity board any electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to the authority or the electricity board as the case may be ; and

(b) in relation to the gas board any mains pipes or other apparatus belonging to the gas board ;

the expression “authorised work” means any main service pipe conduit duct or other work laid

down placed or executed by the Corporation for the purpose of the heating undertaking in the exercise of the powers of this Part of this Act or any Act incorporated therewith:

- (2) Where the Corporation require to dig or sink any trench for laying down placing or constructing any authorised work near to which any apparatus has been lawfully placed the Corporation shall give to the board to whom such apparatus belongs notice in writing of such requirement together with plans sections and particulars of the authorised work to be laid in such trench and if it should appear to the board that the laying down placing or construction of such authorised work would injure interfere with or endanger any apparatus or interfere with the access thereto or impede the supply of electricity or gas (as the case may be) by means thereof the board may within fourteen days from the receipt of such notice give to the Corporation notice in writing requiring them to alter the position or depth of such apparatus in such manner as may be reasonably necessary for avoiding any such injury interference danger or impediment and any difference as to the necessity for such alteration or the manner of carrying out the alteration shall be determined by arbitration as hereinafter provided All such alterations shall (save as in this section provided) be carried out by and at the expense of the Corporation with as little detriment and inconvenience to the board as the circumstances will admit and to the reasonable satisfaction of the engineer of the board and under his superintendence unless after receiving not less than three days' notice for that purpose (which notice the Corporation are hereby required to give except in cases of emergency) he refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the laying down placing or construction of such work:
- (3) The Corporation in laying down placing or constructing any authorised work shall not interfere with the access to any apparatus to any greater extent than is necessary for the purpose of or in connection with the carrying out of that work and shall not remove or displace any apparatus or do anything to endanger any apparatus or impede the passage of electricity or gas (as the case may be) into or through any apparatus without the consent (which shall not be unreasonably refused) of the board or in any other manner than the board shall reasonably approve nor in the case of apparatus proposed to be removed or displaced until good and sufficient

PART III
—cont.

apparatus and other works reasonably necessary or proper for continuing the supply of electricity or gas as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the engineer of the board:

(4) If the board shall desire—

(a) to alter the position or depth of any apparatus under subsection (2) of this section and shall within the period of fourteen days referred to in that subsection give not less than seven days' notice in writing thereof to the Corporation; or

(b) to provide any apparatus in lieu of any apparatus proposed to be removed or displaced under subsection (3) of this section and shall within the period of fourteen days from the date of the giving of their consent under that subsection or as the case may be from the date of a determination that such consent is unreasonably refused give not less than seven days' notice thereof to the Corporation; the board may themselves carry out any of the said works and shall commence execute and complete the same with all reasonable dispatch and to the reasonable satisfaction of the Corporation and all reasonable expenses properly incurred by them under this subsection shall be repaid to them by the Corporation:

(5) The reasonable expense of all repairs or renewals of—

(a) any apparatus existing at the time of the laying down placing or construction of the authorised work; or

(b) any apparatus substituted for such existing apparatus or any part thereof and being of reasonably similar size and type;

which may at any time hereafter be rendered reasonably necessary by reason of—

(i) the acts or defaults of the Corporation their contractors agents workmen or servants or any person in the employ of them or any of them in the exercise of the powers of this Part of this Act; or

(ii) any subsidence resulting from the laying down placing construction or removal of any authorised work whether during the laying down placing construction or removal of the authorised work or at any time within two years thereafter;

shall be borne and paid by the Corporation:

- (6) The Corporation in laying down placing constructing or removing any authorised work shall make good all damage done by them to any apparatus and shall make compensation to the board for any loss damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service or supply lines or pipes of any person supplied by the board with electricity or gas:
- (7) If any difference shall arise between the Corporation and the board or their respective engineers with respect to any matter under this section the matter in difference shall be referred to and determined by arbitration:
- (8) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the board may be under in respect of their apparatus and any duties or obligations which the Corporation may be under in respect of the authorised work and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with any purpose for which the apparatus is used.

76. Nothing in this Part of this Act shall exonerate the Corporation from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Corporation not to be exempted from proceedings for nuisance.

PART IV

LANDS ETC.

77.—(1) Whenever it becomes necessary for the Corporation or any of their officers servants contractors or workmen to enter examine or lay open any lands (not being lands on which buildings for manufacturing purposes are erected) for the purpose of making plans surveying measuring taking levels or making trial holes and the owner or occupier of such lands refuses to permit the same to be entered upon examined or laid open for the purposes aforesaid or any of them the Corporation may after written notice to such owner or occupier apply to a court of summary jurisdiction for an order authorising the Corporation to enter examine and lay open the said lands for the purposes aforesaid or any of them.

Entry on lands for purpose of survey etc.

(2) If sufficient cause is shown for the application the court may make an order accordingly and on such order being made the Corporation or any of their officers servants contractors or workmen may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter examine or lay open the lands mentioned in such order for such of the said

PART IV
—cont.

purposes as are therein specified without being subject to any action or molestation for so doing:

Provided that except in case of emergency no entry shall be made or works commenced under this section unless at least twenty-four hours' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

(3) The Corporation shall at their own expense make good and restore to their former condition any lands laid open by them or their officers servants contractors or workmen and shall make good to the reasonable satisfaction of the owner or occupier of the lands entered all damages or loss sustained by him in consequence of such entry examination or laying open and any dispute as to the amount of damage or loss so sustained as aforesaid shall in default of agreement be assessed by a court of summary jurisdiction and the amount so assessed shall be recoverable in such court.

(4) The Corporation shall not exercise the powers of this section in respect of any lands belonging to any statutory undertakers and used for the purpose of their undertaking except with the consent of the statutory undertakers which consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

Power to
reinstate
owners or
occupiers of
property.

78.—(1) The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under any enactment in force at the passing of this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Corporation may pay or receive money for equality of exchange.

Development
of land.

79.—(1) The Corporation may (with the consent of the Minister) lay out and develop any land for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave channel and kerb streets roads and highways:

Provided that nothing in this section shall apply to land acquired by the Corporation under section 38 or section 40 of the Town and Country Planning Act 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections.

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

80.—(1) The Corporation may advance money to the purchaser or lessee of any land acquired from or leased by the Corporation for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon: Loans for erection etc. of buildings.

Provided that any such advance shall not exceed in the case of a building being a house nine-tenths or in the case of any other building three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the Corporation by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance—

- (a) shall fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 of the Housing Act 1935; 25 & 26 Geo. 5, c. 40.
- (b) shall fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;
- (c) shall require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) shall fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;
- (e) shall authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) shall where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount to be taken as outstanding and the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) shall require the borrower either—
 - (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance; or

PART IV
—cont.

(ii) (if the Corporation elect themselves to insure the said building against fire) to repay to the Corporation the amounts of any premiums paid by them from time to time in that behalf ;

(h) shall require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) The borrower may with the permission of the Corporation (which shall not be unreasonably withheld) at any time transfer his interest in the land and building in respect of which the advance was made but any such transfer shall be made subject to the terms of the instrument securing the advance.

(5) In this section the expression "lessee" includes a person to whom the Corporation have agreed to grant a lease and the expression "lease" shall be construed accordingly.

Undertakings
and agreements
binding
successive
owners.

81.—(1) Every undertaking given by or to the Corporation to or by the owner of any legal estate in land and every agreement made between the Corporation and any such owner being an undertaking or agreement—

(a) given or made under seal on the passing of plans or otherwise in connection with the land ; and

(b) expressed to be given or made in pursuance of this section ;

shall be binding not only upon the Corporation and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

16 & 17 Geo. 5.
c. 11. (2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926.

(3) Any person upon whom any such undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

PART V
STREETS

Interpretation
of Part V.

82.—(1) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them :—

"classified road" has the same meaning as in the Act of 1929 ;

“ street byelaws ” means any byelaws for the time being in force in the borough with respect to the construction and laying out of new streets ;

“ structure ” means a wall fence hoarding or similar erection but for the purpose of this definition the expression “ wall ” does not include a wall forming part of a permanent building.

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof began.

83.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may by notice prohibit the erection of any building on land abutting on the street until the carriageway of the street has been constructed and the street has been sewered in accordance with the said byelaws :

Prohibition of building until street formed and sewered.

Provided that where the plan shows that the street will exceed one hundred yards in length the Corporation shall divide the street for the purpose of the notice into lengths not exceeding one hundred yards and each such length shall for that purpose be treated as a separate street.

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes the provisions of any such notice he shall be liable to a penalty not exceeding twenty pounds and the Corporation may construct the carriageway and works of sewerage which should have been constructed and recover the expenses of so doing from that person :

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

(4) The execution of any works under the provisions of this section shall not relieve any person from any liability under section 150 of the Public Health Act 1875 or any local Act relating to private street works for the time being in force in the borough.

84.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may for the purposes of safety by notice require that the corners formed at the junction of the new street with another street (whether existing or intended but not being a

Rounding or splaying off corners at street junctions.

PART V
—cont.

trunk road) shall be rounded or splayed off in such manner as may be specified in the notice.

(2) Any such notice—

- (a) shall be given to the person by whom or on whose behalf the plan and sections were deposited; and
- (b) shall be binding on successive owners of the land to which it relates; and
- (c) shall be treated for the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 as if the said requirement were a restriction on the user of land imposed thereby and shall be registered accordingly under the said section as a local land charge.

(3) The Corporation shall pay compensation to any person injuriously affected by the exercise of powers conferred by this section and in default of agreement the amount thereof shall be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919

12 & 13 Geo. 6,
c. 42.

as amended by the Lands Tribunal Act 1949.

(4) If any person lays out or constructs a new street otherwise than in compliance with a notice in respect of the street under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may do such work as may be necessary to comply with the notice and recover the expenses of so doing from that person:

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

Trees grass
verges and
gardens.

85.—(1) Subject to the provisions of this section the Corporation shall have power—

- (a) to cause trees or shrubs to be planted in any street in the borough or in tubs placed by them for the purpose in any such street;
- (b) to cause grass verges or gardens to be laid out in any such street;
- (c) to erect and maintain guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs grass verges or gardens;
- (d) to cut down any such tree or shrub to remove any such tub and to abolish any such grass verge or garden or enlarge or diminish the area thereof;
- (e) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is mown or maintained in an ornamental condition or any such garden.

(2) Any such notice as is referred to in paragraph (e) of the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

(3) Subject to the provisions of this subsection the powers conferred by this section shall not be exercisable except in a street maintainable by and vested in the Corporation or upon land so vested which forms part of a street:

Provided that when carrying out in any street or any part thereof any works under section 150 of the Public Health Act 1875 the Corporation may exercise any such power in the street or that part thereof with the consent of the majority in number and rateable value of the owners of land abutting on the street or that part thereof and treat any expenses incurred in so doing as part of the expenses of carrying out the said works.

(4) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises abutting on the street.

(5) Section 1 of the Roads Improvement Act 1925 shall cease to apply to the Corporation and any thing done by the Corporation under that section before the passing of this Act shall be deemed to have been done under this section. 15 & 16 Geo. 5. c. 68.

(6) Nothing in this section shall affect the duty of the Corporation to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930. 20 & 21 Geo. 5. c. 43.

(7) For the purpose of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by Act of Parliament and the Corporation shall be deemed to be the undertakers.

86.—(1) Subject to the provisions of this section the Corporation may vary the relative widths of the carriageway and footway or footways in any street in the borough being a highway repairable by the inhabitants at large. Variation of width of carriageways and footways.

(2) The Corporation shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport.

(3) At least twenty-one days before commencing any work under this section which will materially reduce the width of the carriageway or any footway of a classified road the Corporation shall send notice of the proposed work to the Minister of Transport.

PART V
—cont.

(4) The Corporation shall not exercise the powers of this section in relation to so much of any street as is situate upon a bridge over any railway canal or inland navigation or upon the approaches to any such bridge without the consent in writing of the railway canal or inland navigation undertakers concerned:

Provided that such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

Guard rails in
private streets.

87.—(1) So much of section 149 of the Public Health Act 1875 as relates to fences and posts for the safety of foot passengers in streets repairable by the inhabitants at large shall extend to streets in the borough which are not so repairable.

(2) The Corporation shall not without the consent of the undertakers concerned exercise the powers of this section—

(a) in any street belonging to or repairable by any transport undertakers and forming the approach to any station wharf or depot of those undertakers; or

(b) so as to obstruct or interfere with the access to or exit from any station wharf or depot of any transport undertakers:

Provided that such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

(3) In this section the expression “transport undertakers” means any railway canal inland navigation or statutory passenger road transport undertakers.

Direction
signs.

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

(2) At least one month before exercising their powers under this section the Corporation shall give to the owner of the building structure or land notice of their decision so to do together with particulars of the size design and position of the sign proposed.

(3) If any person wilfully and without the consent of the Corporation removes obliterates alters defaces or obscures any such sign otherwise than in the course of demolishing or altering the building or structure or executing work on the land he shall be liable to a penalty not exceeding forty shillings and the Corporation may recover from him the expenses of replacing or making good the sign.

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to

1947 and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

PART V
—cont.

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

Crossings over
footways.

- (a) require the construction across the grass verge or footway of a carriage-crossing constructed of such materials and in such manner as may be specified in the notice ;
or
- (b) in the case of a footway require it to be strengthened or adapted in such manner as may be so specified ; or
- (c) impose such other reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as may be so specified :

Provided that—

- (i) the Corporation shall not exercise the powers of this subsection in relation to the grass verge or footway of a trunk road without the consent of the Minister of Transport or otherwise than in accordance with any conditions attached by him to his consent ; and
- (ii) this subsection shall not apply to any premises used exclusively for agricultural purposes within the meaning of the Town and Country Planning Act 1947.

(2) If the Corporation make any requirement under paragraph (a) or paragraph (b) of the foregoing subsection they may execute such works as may be necessary to secure compliance with that requirement and may recover the expenses of so doing from the owner or occupier.

(3) If the Corporation impose any condition under paragraph (c) of subsection (1) of this section any person who knowingly uses the grass verge or footway as a crossing as aforesaid or permits it to be so used in contravention of that condition shall be liable to a penalty not exceeding five pounds.

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

(5) Section 18 of the Public Health Acts Amendment Act 1907 shall not be declared to be in force in the borough and the following provisions of this subsection shall have effect

PART V
—cont.

in lieu thereof as respects streets in the borough which are repairable by the inhabitants at large:—

(a) any person desiring to form a carriage-crossing across a grass verge or footway in any such street or to strengthen or adapt a part of any such footway as a carriage-crossing shall apply in writing to the Corporation giving particulars of the work proposed;

(b) the Corporation may approve the work proposed either with or without modifications or propose alternative work or reject the application:

Provided that the Corporation shall not exercise the powers conferred by this paragraph as respects the grass verge or footway of a trunk road without the consent of the Minister of Transport;

(c) the Corporation shall give the applicant notice of their decision under the last foregoing paragraph and if they approve the work proposed or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them;

(d) the applicant may deposit with the Corporation the amount of the said estimate and require them to execute the work as approved or proposed by them but shall not himself execute any such work;

(e) as soon as practicable after such a deposit has been made the Corporation shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the Corporation by or to the applicant as the case may require.

Retaining
walls.

90.—(1) In this section the expression “retaining wall on a street” means a wall which—

(a) is situated wholly or partly within twelve feet of a street in the borough; and

(b) is of greater height than six feet; and

(c) serves or is intended to serve as a support for earth or other material on one side only; and

(d) does not form part of a permanent building.

(2) After the passing of this Act no retaining wall on a street shall be erected otherwise than in accordance with plans sections and specifications approved by the Corporation and if any person erects such a wall in contravention of this subsection he shall be liable to a penalty not exceeding five pounds.

(3) If any retaining wall on a street—

(a) is in such disrepair as to be liable to endanger persons using the street; or

(b) being a wall erected before the passing of this Act or erected in contravention of the last foregoing subsection is so constructed as to be liable as aforesaid ;

the Corporation may by notice to the owner or occupier require him to execute such work as may be necessary to prevent the wall being liable as aforesaid and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(4) The provisions of this section shall not apply to a retaining wall on a street erected on land belonging to any railway canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purpose of their railway canal or inland navigation undertaking.

91.—(1) If the council by resolution determine that any stall or other erection (not being an advertisement to which regulations made in pursuance of section 31 of the Town and Country Planning Act 1947 for the time being apply) on any forecourt in the borough is by reason of its character injurious to the amenities of the street on which the forecourt abuts the Corporation may by notice require the owner or occupier of the forecourt either to make such alterations in the stall or erection as may be necessary to prevent it from being injurious to the amenities of the street or if he so elects to remove it.

Forecourts
injurious to
amenities
of street.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

92.—(1) No part of any awning over the footway of a street in the borough being a highway repairable by the inhabitants at large shall project over any part of the footway which is less than one foot six inches from the outer edge of the footway.

Awnings over
footways.

(2) If any person places or causes or permits to be placed over any such footway an awning which contravenes the foregoing subsection he shall be liable to a penalty not exceeding forty shillings.

(3) If an awning over any such footway is so constructed or maintained as to be prejudicial to the safety or convenience of the public the Corporation may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to prevent the awning being so prejudicial.

(4) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under the last foregoing subsection as they apply in relation to the notices mentioned in subsection (1) of that section.

PART V
—cont.

(5) In this section the expression “awning” includes a blind shade or other covering.

Evasion by
owners of
private
street works
expenses.

93.—(1) If—

- (a) any owner of land fronting adjoining or abutting on a private street in the borough transfers the part or any portion of the part of that land which fronts adjoins or abuts on that street ; and
- (b) any expenses of private street works in or in relation to that street are apportioned on that part or portion of that land ; and
- (c) the Corporation are unable to recover those expenses in whole or in part from the person to whom that part or portion of the land was transferred or by the sale thereof ; and
- (d) a court of summary jurisdiction is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works ;

then the expenses so apportioned or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from the owner in the same manner as expenses of private street works may be recovered as though he had not made the transfer.

(2) In this section the following expressions have the following meanings:—

“private street” means a street within the meaning of section 150 of the Public Health Act 1875 or land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Town and Country Planning Act 1947 ;

“private street works” means works executed under section 150 of the Public Health Act 1875 or in relation to land which is deemed to be a private street as aforesaid works executed under that Act as applied by subsection (3) of the said section 48 ;

“transfer” includes any disposal of land whether by way of sale lease exchange gift or otherwise and “transfers” shall be construed accordingly.

Security
for private
street works.

94.—(1) In any case in which plans and particulars of the proposed development of land are required to be furnished under the Public Health Act 1875 to the Corporation the Corporation as a condition of their approval thereof may require the owner of the land upon which any new street is to be laid out to undertake to pay and to give security for the payment of any expenses which may be incurred by the Corporation in executing any private street works with respect to such street or any part thereof

and such owner or his successors in title shall not lay out such street unless any undertaking and security required by the Corporation shall have been given.

PART V
—cont.

(2) If any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds:

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

95.—(1) Subject to the provisions of this section a court of summary jurisdiction—

Stopping up
and diversion
of highways.

(a) if satisfied on the application of the Corporation that a highway within the borough is unnecessary may by order authorise the stopping up thereof; and

(b) if so satisfied that such a highway can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted.

(2) An application or order under this section—

(a) may provide for the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle-way or footway;

(b) may be made with respect to any length of a highway;

(c) may be made with respect to two or more highways or lengths of highways which are connected with each other;

and in relation to any application or order in respect of a length of a highway or two or more highways or lengths of highways any reference in the subsequent provisions of this section to a highway shall be construed as a reference to that length or those highways or lengths of highways as the case may be.

(3) No application or order shall be made under this section with respect to a trunk road.

(4) No order shall be made under this section unless the court is satisfied that notice of the intention to apply for the order specifying the time and place at which the application is to be made and the terms of the order applied for (embodying a plan showing the effect of the order)—

(a) has at least twenty-eight days before the date on which the application is made been served on the local planning authority and on the owners or reputed owners and the occupiers of all land abutting on the highway and also when the application relates to a classified road on the Minister of Transport; and

PART V
—cont.

- (b) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as may be reasonably sufficient for notifying persons using the highway of the application ;

and that a similar notice (except that there may be substituted for the plan a statement of the place where the plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four successive weeks in a local newspaper circulating in the borough.

(5) No order under this section authorising the diversion of a highway—

- (a) shall be made unless the written consent of the local planning authority and of every person having a legal interest in the land over which the highway is to be diverted is produced to and deposited with the court ;
- (b) shall authorise the stopping up of any part of the highway until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices of the peace and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace.

(6) On the hearing of the application the Corporation the local planning authority and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard.

(7) An appeal against a decision of a court of summary jurisdiction under this section may be brought to quarter sessions by any person who was entitled under the last foregoing subsection to be and was or claimed to be heard on the application and for the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions—

- (a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order ;
- (b) where more than two persons were heard or claimed to be heard in opposition to the application it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk to the court but without prejudice to the right of any of those persons to appear as respondents to the appeal ;
- (c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a rehearing.

42 & 43 Vict.
c. 49.
23 & 24 Geo. 5.
c. 38.

(8) Where by reason of the diversion of a highway under this section any person is relieved from liability to repair the highway he shall be liable to pay to the Corporation such sum as may be agreed between him and the Corporation or in default of agreement as may be determined by arbitration to represent the value to him of the relief and any such sum shall be payable either—

(a) as a lump sum ; or

(b) by annual payments of such amount and continuing for such number of years as may be agreed or determined as aforesaid.

(9) Every order made under this section—

(a) shall have annexed thereto a plan signed by the chairman of the court ; and

(b) shall be transmitted by the clerk of the court to the clerk of the peace together with any written consents produced to the court under subsection (5) of this section ;

and the clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (5) of this section among the records of quarter sessions.

(10) Every order made under this section shall be binding on all persons whatsoever.

(11) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

96.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the borough either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Corporation shall give notice in writing of their intention to execute such work to all statutory undertakers having powers to break up that street then when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed :

Restrictions
on rights of
breaking
up streets.

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such

PART V
—cont.

undertakers of any right or immunity as between themselves and any person other than the Corporation to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be determined by arbitration.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any street in case of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing extending enlarging or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with gas or electricity. In this subsection the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

Maintenance
of footpaths
etc.

97.—(1) The owner of every house fronting adjoining or abutting on a highway which is not repairable by the inhabitants at large shall maintain the footpath on the frontage of such house and the approach to such house from the highway (exclusive of so much of such footpath or approach as passes through the garden of or through any land within the curtilage of such house) in accordance with the reasonable requirements of the Corporation.

(2) Any person who contravenes the provisions of this section after the expiration of a period of twenty-eight days (or such longer period as may be allowed by the Corporation) from the receipt of notice from the Corporation shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Means of
access to
buildings.

98.—(1) Where the plans of any new building intended or adapted for use as a house have been deposited with the Corporation in pursuance of building byelaws they may by notice prohibit either the erection of the building or the sale letting or occupation thereof (as may be specified in the notice) until sufficient means of communication are provided between the building and a street which either is a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with street byelaws.

(2) Any such notice shall be given to the person by whom or on whose behalf the plans were deposited—

(a) before or together with the notice required to be given under subsection (2) of section 64 of the Act of 1936 ; or

(b) where the plans have been passed but the erection of the building has not begun before the passing of this Act at any time before the erection thereof has begun ;

and the prohibition imposed by any such notice shall be binding on successive owners of the building.

(3) If it appears to the Corporation to be necessary any such notice may require that the provision of the means of communication shall include the carrying out of constructional work not exceeding that required for a new street by street byelaws.

(4) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may themselves provide the means of communication to which the notice refers and recover the expenses of so doing from that person :

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

99.—(1) The owner or occupier of any premises situated under or abutting on a pavement forming part of a street in the borough may with the consent of the Corporation provide means for the admission of light or air to the premises through the pavement. Pavement lights and ventilators.

(2) In giving their consent under this section the Corporation may attach thereto such terms and conditions as they think fit.

(3) Anything done before the passing of this Act which would have been lawfully done under this section if done after the passing thereof is hereby ratified.

PART VI

SANITATION AND BUILDINGS

100.—(1) As from the commencement of this section the following provisions shall have effect in the borough :— Registration of hawkers of food and their premises.

(a) No person other than a person keeping open shop for the sale of food shall either by himself or by any person employed by him sell offer or expose for sale any food from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is registered with the Corporation ;

PART VI
—cont.

(b) no premises shall be used as storage accommodation for any food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle unless the premises are registered as aforesaid.

(2) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the owner or occupier or intending owner or occupier thereof.

(3) Any person who contravenes 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) (a) The Corporation may refuse to register any person or premises under this section or (after giving one month's notice to the person registered or in whose name the premises are registered) may revoke the registration of any person or premises under this section if they are satisfied (i) as regards a person that the public health is or is likely to be endangered by any act or default of his in relation to the quality storage or distribution of food or (ii) as regards premises that the premises are not suitable to be used for the purposes aforesaid:

Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name such premises are registered a notice to appear before a committee of the council 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 or revoke the registration of the person or premises. Any such notice shall state the effect of paragraphs (b) and (c) of this subsection.

(b) If the Corporation refuse to register or revoke the registration of any such person or premises they shall if required by the person applying for such registration or the person registered or in whose name the premises are registered deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

(c) Any person appealing to a court of summary jurisdiction under section 154 (As to appeals) of this Act against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

(5) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in respect of which an application has been received for registration under the provisions of this section and also any premises

which he shall have reason to believe are being used as storage accommodation for food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle.

PART VI
—cont.

(6) The Corporation shall keep a register of the persons and premises registered under the provisions of this section.

(7) The provisions of this section shall not apply to any premises registered under section 14 of the Food and Drugs Act 1938 or to any dairy or dairyman registered under Part II of that Act or under any regulations made thereunder or under an enactment thereby repealed.

(8) The provisions of this section shall not apply to any premises used as a house or shop licensed for the retail sale of excisable liquor or as a theatre cinematograph theatre music hall or concert hall or to any person in respect of the sale or offer or exposure for sale of any food in any such premises.

(9) In this section the expression "food" does not include any substance contained in a container of such materials and so closed as to exclude all risk of contamination.

101.—(1) Where the council—

(a) resolve to construct a sewer in a street or part of a street in the borough being a street or part which is repairable by the inhabitants at large and has not been previously sewered; and

(b) include in the resolution a declaration that the construction of the sewer will in the opinion of the council increase the value of premises fronting adjoining or abutting on the street or that part thereof;

Recovery
of expenses
of sewerage
public
highway.

then the provisions of the Second Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the sewer:

Provided that all liabilities under the said schedule in respect of the sewer shall cease at the expiration of two years from the date when the resolution becomes operative if the construction of the sewer is not then complete.

(2) Notice of any such resolution shall be published by the Corporation in a local newspaper circulating in the borough and the resolution shall become operative for the purposes of this section and the said schedule on the date of such publication.

(3) A copy of such a newspaper containing any such notice shall be sufficient evidence of the publication of the notice.

102. Where land in the borough in which a length of sewer has been constructed after the passing of this Act at the expense of the Corporation becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the Second

Recovery of
expenses of
sewerage
prospective
street.

PART VI
—cont.

Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the length of sewer :

Provided that where compensation due to the owner of any land in respect of damage sustained by reason of the construction therein of the length of sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid this section shall not apply to so much of the length of sewer as has been constructed in that land.

Prevention of evasion of liabilities under last two preceding sections.

103.—(1) If on a complaint by the Corporation to a court of summary jurisdiction it is proved to the satisfaction of the court—

(a) that by reason of any transfer of land any part of any premises (hereinafter in this section referred to as “ the severed part ”)—

(i) has ceased to be included in premises fronting adjoining or abutting on a street or part of a street to which the last but one preceding section of this Act applies ; or

(ii) has been excluded from premises which have subsequently become premises fronting adjoining or abutting on a street to which the last preceding section of this Act applies or has ceased to be included in premises fronting adjoining or abutting on such a street ; and

(b) that the transfer was intended for the purpose of evading liability under the Second Schedule to this Act imposed by the last but one preceding or the last preceding section as the case may be ;

then the court may make such order under the following provisions of this section as it thinks just for the purpose of ensuring that the said liability is not evaded by reason of the transfer.

(2) Any such order may direct—

(a) that for the purposes of paragraph 2 of the said schedule the severed part shall be deemed to be premises fronting adjoining or abutting on the street or part of the street in question and shall be deemed to have had at the relevant date within the meaning of the said schedule such frontage on the street as may be specified in the order ;

(b) that for the purposes of sub-paragraph (a) of paragraph 6 of the said schedule the site of a new building erected on the severed part and the land occupied therewith shall be deemed to have such frontage on the

street or part of the street as may be specified in the order ;

PART VI
—cont.

(c) that any such amendment shall be made of any entry in the register of local land charges as may be specified in the order including an amendment taking effect as from a past date.

(3) Any order made under paragraph (a) of subsection (2) of this section may also direct that any premises from which the severed part has been excluded or in which it has ceased to be included shall not be deemed to be premises fronting adjoining or abutting on the street or part of the street or shall be deemed to have such frontage as may be specified in the order.

(4) Orders made under any provision of subsection (2) of this section may be made on separate complaints made by the Corporation at different times.

(5) In this section the expression "transfer" includes any disposal of land whether by way of sale lease exchange gift or otherwise.

104. Section 24 of the Act of 1936 shall have effect in its application to the borough as if the following were substituted for the proviso to subsection (1) of that section :—

Recovery of
cost of
maintaining
public sewers.

" Provided that unless in the opinion of the medical officer of health or the sanitary inspector immediate action is necessary notice of the work proposed to be undertaken shall not less than seven days before the work is commenced be given to the owners of any premises known by the local authority to be served by the length of sewer in question and the local authority shall consider any representations as to the need for and the reasonableness of the proposed work which may be made to them by any of those owners within seven days of the service of the notice ".

105.—(1) In lieu of section 48 of the Act of 1936 the following provisions of this section shall if the council by resolution so determine have effect in the borough for such period as may be specified in the resolution either as respects the whole of the borough or as respects such part or parts thereof as may be so specified.

Delegation of
power to
examine and
test drains etc.

(2) Where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing—

(a) that a sanitary convenience drain private sewer or cess-pool is in such a condition as to be prejudicial to health or a nuisance ; or

PART VI
—cont.

- (b) that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water ;

he may examine its condition and for that purpose may apply any test other than a test by water under pressure and if he deems it necessary open the ground.

(3) If on examination the convenience drain sewer or cesspool is found to be in proper condition the Corporation shall as soon as possible reinstate any ground which has been opened by the medical officer or the sanitary inspector and make good any damage done by him.

Power to repair
drains and
private sewers.

106.—(1) If any drain or private sewer in the borough—

- (a) is not sufficiently maintained and kept in good repair to the satisfaction of the Corporation ; and
(b) can in the opinion of the Corporation be sufficiently repaired at a cost not exceeding fifty pounds ;

the Corporation may after giving not less than seven days' notice to the owner or owners cause the drain or sewer to be repaired and subject to the next following subsection recover the expenses of so doing so far as they do not exceed fifty pounds from the owner or owners of the drain or sewer in such proportions (if there is more than one owner) as the surveyor may determine :

Provided that where the said expenses do not exceed two pounds the Corporation may if they think fit remit the payment thereof.

(2) In any proceedings under this section the court may inquire—

- (a) whether the drain or sewer in question required repair and whether the work done by the Corporation was reasonable ; and
(b) whether any apportionment made by the surveyor was fair ;

and the court may make such an order concerning the expenses or their apportionment as appears to the court to be just :

Provided that the court shall not revise any apportionment unless it is satisfied that all persons affected thereby have had due notice of the proceedings and an opportunity of being heard.

Power to
cleans
drains etc.

107. The Corporation may at the request in writing of the owner or occupier of any premises in the borough undertake the cleansing of any drains water-closets sinks or gullies in or connected with the premises and may make such charge (if any) for so doing as they think fit.

108.—(1) Where after the passing of this Act any person shall—

PART VI
—cont.

- (a) reconstruct any drain which communicates with any sewer or other drain ;
- (b) lay such drain in a new position ; or
- (c) on the occasion of the execution of any works to or in connection with such drain permanently discontinue the use of such drain ;

Abandoned
drains to
be cut off.

such person shall cause any drain or portion of drain thereby rendered unnecessary to be cut off and sealed at each end.

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

109.—(1) For the purpose of abating or mitigating any nuisance annoyance or damage caused by house-doves pigeons or starlings having or believed by the Corporation to have no owner or of preventing or minimising any such nuisance annoyance or damage which might in the opinion of the Corporation be so caused the Corporation may notwithstanding anything in the Larceny Act 1861 or in any other Act—

24 & 25 Vict.
c. 96.

- (a) seize and humanely destroy or cause to be seized and humanely destroyed any such house-doves pigeons or starlings in excess of such number as the Corporation consider reasonable ;
- (b) sell or otherwise dispose of or cause to be sold or otherwise disposed of the carcasses of any such house-doves pigeons or starlings ; and
- (c) take such other steps as they think necessary for any such purpose :

Provided that the Corporation shall not in the exercise of the powers conferred by this section—

- (a) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises ; or
- (b) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the owner of the building or land.

(2) Nothing in this section shall authorise the seizure or destruction of any wild bird in contravention of the provisions of the Wild Birds Protection Acts 1880 to 1939 or any order made thereunder.

110.—(1) Paragraphs (b) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect in the borough and the following provisions of this section shall have effect in lieu thereof.

Ruinous and
dilapidated
buildings and
neglected sites.

PART VI
—cont.

(2) Where a building or part of a building in the borough is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner thereof within a reasonable time specified in the notice—

- (a) to execute such works of repair or restoration ; or
- (b) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition ;

as may be necessary for remedying the cause of complaint.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building or part of a building in the borough is lying on the site of the building or that part thereof or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land within a reasonable time specified in the notice to take such steps for removing the rubbish or material as may be necessary for remedying the cause of complaint.

(4) If any person fails to comply with a notice served on him under this section the Corporation may themselves—

- (a) in the case of a notice served under subsection (2) execute such works of repair or restoration as they think necessary or if they think fit demolish the building or any part thereof and remove any rubbish resulting from or exposed by the demolition ; or
- (b) in the case of a notice served under subsection (3) remove the rubbish or material ;

and in either case recover from that person the expenses reasonably incurred by them in so doing.

(5) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to all rubbish or other material removed by the Corporation under this section.

(6) In this section the expression “ building ” includes any structure.

Demolition of
buildings.

111.—(1) As from the commencement of this section no person shall commence to demolish or take down any building or part thereof within the borough without first notifying the Corporation of his intention so to do and without complying with such reasonable terms and conditions as the Corporation think fit including terms and conditions requiring—

- (a) the shoring up of adjacent buildings ; and

(b) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site ;

to the satisfaction of the Corporation within a reasonable time to be prescribed by the Corporation :

Provided that this section shall not apply to the demolition or taking down of an internal part of a building if such demolition or taking down is incidental to an internal alteration of the building the use of which it is intended to continue.

(2) Where notice is given to the Corporation under subsection (1) of this section and such notice is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the Corporation shall be deemed to have approved the proposals unconditionally unless within six weeks from the receipt thereof or within such longer period as the applicant may agree in writing to allow they give notice to him that they have decided to the contrary.

(3) If any term or condition imposed under this section is not complied with within the time therein prescribed the Corporation may themselves enter upon the building and the site thereof and carry out the work.

(4) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to all rubbish or other material removed by the Corporation under this section.

(5) All expenses incurred by the Corporation under subsection (3) of this section may be recovered by the Corporation from the owner of the site of the demolished building.

(6) Any person who contravenes the provisions of this section or of any term or condition imposed under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(7) Nothing in this section shall apply in relation to—

(a) any poultry-house greenhouse coal-shed or cycle-shed or other similar structure ; or

(b) any building belonging to any statutory undertakers and held by them for the purposes of their undertaking :

Provided that the exemption conferred by paragraph (b) of this subsection shall not extend to houses or to buildings last used before demolition as offices or showrooms other than buildings so used which form part of a railway station.

112.—(1) If a court of summary jurisdiction are satisfied upon a complaint by the Corporation that any smoke gas or vapour from any chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in the borough

Power to order alteration of domestic chimneys.

PART VI
—cont.

is prejudicial to the health of any of the inhabitants of the borough or a nuisance the court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified in the order—

- (a) to cause it to be raised to a height so specified ; or
- (b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit:

Provided that the court shall not make an order under this section unless they are satisfied that the work to be done in pursuance of the order will not involve an expenditure exceeding fifty pounds.

(2) If any person fails to comply with an order made under this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Food storage
accommoda-
tion.

113.—(1) Every house erected in the borough after the passing of this Act shall be provided with sufficient and suitable accommodation for the storage of food and any other house in the borough not so provided shall if reasonably practicable be so provided within one month from the service by the Corporation on the owner thereof of a notice requiring it to be so provided.

(2) If any house required to be provided as aforesaid is occupied when not so provided the owner thereof shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The owner of any house on whom a notice is served under subsection (1) of this section shall have power notwithstanding any lease or other agreement to enter the house and carry out such work as may be necessary to comply with the notice.

(4) For the purposes of this section—

- (a) the expression “house” includes any part of a building which is occupied or intended to be occupied as a separate dwelling ;
- (b) the conversion of a building into two or more dwellings shall be deemed to be the erection of each of those dwellings ; and
- (c) a house the erection whereof was commenced before the passing of this Act shall not be deemed to have been erected after the passing of this Act:

Provided that where any part of a building has been let for occupation as a separate dwelling-house without the consent in writing of the owner of the building the person so letting such part of the building shall for the purposes of this section be deemed to be the owner.

114.—(1) Any movable dwelling standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

PART VI
—cont.

Provisions as
to movable
dwellings.
51 & 52 Vict.
c. 52.

(2) It shall not be lawful without the written consent of the Corporation to place any movable dwelling so as to stand upon any square court alley or passage to which the public have access.

(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.

(4) In this section the expression “movable dwelling” has the meaning assigned to it by section 269 of the Act of 1936.

115.—(1) No dealer shall in the borough—

(a) prepare for sale ;

(b) sell or offer or expose for sale ; or

(c) deposit for sale or preparation for sale ;

any household article if it is to his knowledge verminous or if by taking reasonable precautions he could have known it to be verminous.

Prohibition
of sale of
verminous
articles.

(2) If any household article which is verminous is on any premises in the borough—

(a) being prepared or offered by a dealer for sale ; or

(b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale ;

the medical officer or the sanitary inspector may cause the article to be disinfested or destroyed as the case may require and if necessary for that purpose to be removed from the premises and the Corporation may recover from the dealer the expenses incurred by the medical officer or the sanitary inspector in taking any action under this subsection.

(3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding twenty pounds.

(4) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

(5) For the purposes of this section—

(a) the expression “dealer” means a person who trades or deals in any household article ;

PART VI
—cont.Hairdressers
and barbers.

- (b) the expression “household article” means an article of furniture bedding or clothing or any similar article ;
 (c) the expression “preparation for sale” shall not include disinfestation.

116.—(1) As from the commencement of this section no person shall carry on the business of a hairdresser or barber on any premises in the borough unless he and those premises are registered by the Corporation.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the Corporation in a book kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

(3) The Corporation may make byelaws for the purpose of securing—

- (a) the cleanliness of premises registered under this section and of the instruments towels materials and equipment used therein ; and
 (b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(4) If any person carries on business in contravention of subsection (1) of this section or contravenes or fails to comply with any byelaw made under subsection (3) of this section he shall be liable—

- (a) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds ; and
 (b) in the case of a contravention or failure to comply with a byelaw to a penalty not exceeding five pounds ;

and in either case the court by which he is convicted may (in lieu of or in addition to imposing a penalty) order the suspension or the cancellation of his registration.

(5) Where the registration of any person is cancelled by order of a court under the last preceding subsection—

- (a) he shall within seven days deliver up to the Corporation his certificate of registration and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings ; and
 (b) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a court of summary jurisdiction made on his application.

(6) A person registered under this section shall keep a copy of the said byelaws and of his certificate of registration displayed in the premises in respect of which he is registered and

if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

PART VI
—cont.

(7) Where an offence under this section has been committed by a body corporate every person who at the time of the commission of the offence was a director general manager or other similar officer of the body corporate or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves—

(a) that the offence was committed without his consent or connivance; and

(b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(8) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

117. The power of the Corporation to make byelaws under paragraph (i) of subsection (1) of section 61 of the Act of 1936 shall extend to enable the Corporation to make byelaws requiring a building the erection of which is commenced after the passing of this Act to be provided with at least two doors in the external walls of the building. As to provision of external doors.

PART VII FINANCE

118.—(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 of the said table and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column thereof:—

Purpose	Amount	Period for repayment
(1) The making of any payment to the county council or to any other authority under Part II (Extension of borough boundaries) of this Act.	The sum requisite.	Forty-five years from the date or dates of borrowing.
(2) For paying the costs charges and expenses of obtaining this Act.	The sum requisite.	Five years from the passing of this Act.

PART VII
—cont.

(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.

Application
of Act of 1933
to existing
sinking funds.

119. 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 annuities) 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.

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 "Doncaster 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 the following provisions of the Act of 1933 shall apply as if the money had been raised by borrowing on mortgage under that Act and bonds were mortgages within the meaning of that Act:—

Section 209 (Notice of trusts);

Section 210 (Receipts on behalf of joint holders and infants);

Section 211 (Appointment of receiver);

Section 212 (Repayment of moneys borrowed on mortgage);

Section 213 (Sinking fund);

Section 214 (Adjustments of sinking fund).

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

62 & 63 Vict.
c. 9.
7 Edw. 7. c. 13.
54 & 55 Vict.
c. 39.

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

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

Amendment
of section 71
of Act of 1926.
16 & 17 Geo. 5.
c. xxvii.

121. Section 71 (Revenue and expenses of trading undertakings) of the Doncaster Corporation Act 1926 shall be read and have effect as if the expression "(6) the baths undertaking; and (7) the heating undertaking;" were substituted for the expression "and (6) the baths undertaking".

122. Section 72 (Separate accounts in respect of certain undertakings) of the Doncaster Corporation Act 1926 shall be read and have effect as if the words "the baths undertaking and the heating undertaking" and the words "the electricity undertaking and the heating undertaking respectively to one-tenth" were respectively substituted for the words "and the baths undertaking" and the words "and the electricity undertaking respectively to one-tenth".

PART VII
—cont.

Amendment
of section 72
of Act of 1926.

123.—(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good all such losses damages costs and expenses as may from time to time be specified in a resolution of the council (in this section referred to as "the specified risks").

Insurance
fund.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

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

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the specified risks ;
or

(b) if the Corporation insure in some insurance office against the whole or any part of all or any of the specified risks such sums as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Corporation may (if they think fit) discontinue the yearly payments to the fund but if the fund be at any time reduced below the prescribed amount the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

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

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence

PART VII
—cont.

of the specified risks or any of them all moneys for the time being standing to the credit of the insurance fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to the general rate fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the insurance fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient include in the specified risks risks of accident to persons employed for or in connection with educational purposes in any voluntary school in the borough.

(8) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of the whole or any part of all or any of the specified risks in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

(9) In this section "the prescribed amount" means such sum as may from time to time be prescribed by the Corporation.

124.—(1) The Corporation may (if they think fit) establish a fund to be called "the capital fund" to which they may pay—

PART VII
—cont.

Capital fund.

(a) any sums derived from the sale of any property of the Corporation (other than property of the light railways undertaking);

(b) any capital moneys not derived from the sale of property and not required by law to be applied to any other purpose;

(c) the surplus of the revenue income over the revenue expenditure of the general rate fund (not required by law to be applied to or carried forward for any other purpose) on the thirty-first day of March in any year or any part of such surplus;

(d) a sum equal to the interest earned on the capital fund and the income (if any) arising from the application of the fund to the purposes authorised; and

(e) such other sums from the revenue of the general rate fund as the council may by resolution direct not being moneys directed by law to be applied to any other purpose:

Provided that—

(i) the aggregate amount paid to the capital fund under paragraphs (c) and (e) of this subsection shall not except with the consent of and to such extent as may be approved by the Minister exceed in any year the equivalent of four times the product of a penny rate as estimated for the purpose of subsection (2) of section 9 of the Rating Act 1925; and

(ii) payments into the capital fund shall not be made whenever that fund amounts to the sum of ninety thousand pounds or such greater sum as may from time to time be approved by the Minister.

(2) The Corporation may apply the moneys in the capital fund—

(a) in defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the light railways undertaking the water undertaking or the heating undertaking); or

(b) in providing money for repayment of loans (other than loans in respect of any such undertaking) but not in making the annual payment required to be made in respect of such repayment; or

(c) in the exercise of the powers of section 79 (Development of land) of this Act:

Provided that the amount to be expended under this subsection shall not exceed ten thousand pounds in any one trans-

PART VII
—cont.

action unless a larger amount shall in any case be allowed by the Minister.

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

(b) Any income arising from the investment of the moneys in the capital 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 proviso (ii) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital fund out of the general rate fund.

(4) All moneys derived from the sale of any land of the Corporation which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied from the capital fund may if the Corporation think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation.

Renewal and
repairs fund.

125.—(1) The Corporation may (if they think fit) establish a fund to be called “the renewal and repairs fund” for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant tools machinery appliances horses carts vehicles boilers and equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things and in maintaining and repairing paths and apparatus in public walks and pleasure grounds and may from time to time apply any fund so established or any part thereof in defraying such expenditure but this section shall not apply to any buildings works plant appliances or things for the purposes of any of the Corporation undertakings in respect of which they are authorised to provide a reserve fund or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

(2) The Corporation may from time to time pay out of the general rate fund such sums as they think fit into a fund to be established under this section.

(3) When the renewal and repairs fund shall amount to the sum of fifty thousand pounds or such larger sum as may from time to time be approved by the Minister the Corporation shall cease to make payments into the said fund but if the said fund is at any time reduced below the sum of fifty thousand pounds or such larger sum as aforesaid the Corporation may

recommence and continue payments until the said fund be restored to the sum of fifty thousand pounds or such larger sum as aforesaid.

PART VII
—cont.

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

(b) Any income arising from the investment of the moneys in the renewal and repairs fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (3) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

126.—(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 orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register: Dividend warrants by post.

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 the same by post to such other person at such address.

(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 notice in writing to the contrary has been given to the Corporation by any other of them.

(3) The posting by the Corporation of 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.

127.—(1) If on the death of an employee (which expression in this section includes a former employee or pensioner of the Corporation or other person) to whom or to whose personal representative a sum not exceeding one hundred pounds is due Payments due to deceased employees.

PART VII
—cont.15 Geo. 5.
c. 23.
16 & 17 Geo. 5.
c. 60.

from the Corporation on account of salary wages superannuation allowance pension gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest a grant of probate of the will of the employee or of letters of administration to his estate is not produced to the Corporation within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay such sum to the person or persons entitled to the residuary estate of the employee by virtue of the provisions of paragraphs (i) to (vi) inclusive of subsection (1) of section 46 of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in due course of administration:

Provided that—

- (a) the Corporation may (notwithstanding the receipt of a notice under proviso (b) to this subsection) (if they think fit) pay out of such sum the funeral expenses of the deceased employee or so much thereof as the Corporation consider reasonable having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946;
- (b) if the Corporation receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of paragraph (vi) of subsection (1) of section 46 of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

(2) Before paying any sum in accordance with the provisions of subsection (1) of this section (except under proviso (a) thereof) to any person other than the personal representative of the deceased employee the Corporation shall require either—

- (a) a statutory declaration (or when payment is made to the Crown or to the duchy of Lancaster or to the duchy of Cornwall a statement) by the person or one of the persons to whom the Corporation may pay or propose to pay such sum or any part thereof to the effect that the total estate of the deceased employee (including such sum but after deduction of debts and funeral expenses) does not exceed four hundred pounds; or
- (b) the production of a certificate from the Commissioners of Inland Revenue to the effect either that no death duties are payable in respect of such sum or that any duties so payable have been paid.

(3) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercising their powers under this section.

PART VII
—cont.

128.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 the Corporation may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

Payment of
pension etc.
of person of
unsound mind.
53 Vict. c. 5.

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of the wife or husband or relations of such person.

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Corporation shall give to the Master in Lunacy notice of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice to that person in a form approved by the Master in Lunacy:

Provided that the Corporation may with the approval of the Master in Lunacy exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the Master in Lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said power in relation to any person the said power shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the master withdraws the notice.

PART VII
—cont.

(6) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercise of the said power.

Gratuities
to servants.

129. The Corporation may and shall be deemed always to have had the power to grant to any of their servants who has ceased to be employed by them before the first day of December one thousand nine hundred and forty-one a gratuity by way of periodical payments not exceeding in any year one-half of the annual emoluments of the employment:

Provided that the Corporation shall not under the powers of this section grant a gratuity to any servant who is entitled to a superannuation allowance under the Local Government Superannuation Act 1937.

Power to grant
allowances or
gratuities in
certain cases.

130.—(1) The Corporation may if they think fit grant by way either of a lump sum or of periodical payments to the widow or dependants of any employee who may die in their service a gratuity not exceeding in the aggregate an amount equal to twice the amount of the annual emoluments of the employment:

Provided that this section shall not apply—

- (a) in the case of a widow to whom a pension is granted in pursuance of section 9 of the Local Government Superannuation Act 1937; or
- (b) in the case of a widow or dependant entitled in consequence of the death of such employee to compensation under the Workmen's Compensation Acts 1925 to 1943 or to death benefit under the National Insurance (Industrial Injuries) Act 1946.

9 & 10 Geo. 6.
c. 62.

(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 employee would have been charged or been paid if he had continued in his employment.

PART VIII

MISCELLANEOUS

For preventing
obstruction to
streams by
culverts etc.

131.—(1) Where any obstruction is or may be caused to any river or stream by any inadequate or insufficient culvert channel or other work the Corporation may within the borough reconstruct improve repair or remove such culvert channel or work or may construct and maintain a proper and sufficient or enlarged culvert channel or other work.

(2) The Corporation and any other local authority or person may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction improvement repair maintenance or removal for the purposes of this section.

(3) Nothing in this section shall be deemed to—

- (a) restrict the exercise by the Corporation of their powers in relation to culverts channels or other works ; or
- (b) impose upon the Corporation any liability to maintain a culvert channel or other work.

(4) Nothing in this section shall authorise the Corporation to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(5) Nothing in this section shall authorise the Corporation to execute any work in or in connection with any watercourse for the time being vested in or under the control of the Potteric Carr Internal Drainage Board without the consent in writing of that board which consent may be given subject to such reasonable terms and conditions as the said board may think fit but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld or whether any such terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture and Fisheries.

132.—(1) If any river or stream or any part thereof within the borough is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the Corporation may by notice require the owner or occupier of any lands abutting on any part of such river or stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such river or stream is obstructed or impeded to cleanse or put in proper order such river or stream or part thereof so as to allow the proper flow of water in such river or stream.

Cleansing
of rivers and
streams.

(2) The provisions of section 290 other than subsection (1) thereof of the Act of 1936 shall extend and apply in relation to any notice given under this section and to the execution of any works thereunder as if those provisions were with any necessary modifications re-enacted in this section and in terms made applicable thereto.

(3) Nothing in this section shall authorise the Corporation to execute or require the commission to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

PART VIII
—cont.19 & 20 Geo. 5.
c. xvii.

(4) In any case to which the provisions of section 9 of the Doncaster Drainage Act 1929 apply nothing in this section shall authorise the Corporation to require the National Coal Board to cleanse or put in proper order any river or stream or any part thereof the flow of water along which is obstructed or impeded by reason of any subsidence caused by the working of minerals by the said board.

(5) The powers of this section shall not be exercised in relation to any river or stream for the time being vested in or under the control of the Potteric Carr Internal Drainage Board without the consent in writing of that board which consent may be given subject to such reasonable terms and conditions as the said board may think fit but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld or whether any such terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture and Fisheries.

Entry for
purposes of
last two
preceding
sections.

133.—(1) Any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter any premises at all reasonable hours for the purpose of—

- (a) inspecting any river or stream or any culvert channel or other work ;
- (b) ascertaining whether or not circumstances exist which would authorise or require the Corporation to take any action or execute any work under the last two preceding sections ;
- (c) taking any action or executing any work authorised or required by the last two preceding sections to be taken or executed by the Corporation :

Provided that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) The provisions of this section shall not authorise any officer of the Corporation to enter any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

Byelaws as to
Doncaster
Common.

134.—(1) In this and the next succeeding section the expression "Doncaster Common" means the area in the borough which is edged red on the map marked "Doncaster Common map" of which copies have been signed in triplicate by the Right Honourable the Earl of Drogheda the chairman of the committee of the House of Lords to which the Bill for this Act was

referred one copy of which has been deposited at the office of the Clerk of the Parliaments one in the Private Bill Office of the House of Commons and one with the town clerk.

PART VIII
—cont.

(2) Copies of or extracts from the Doncaster Common map deposited with the town clerk and purporting to be certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the Doncaster Common map.

(3) For the regulation and protection of Doncaster Common the Corporation may subject to the provisions of this Act make byelaws for any of the following purposes:—

- (a) for prohibiting any enclosure of any part of Doncaster Common or the erection of any building shed tent or other structure thereon or the construction of any roads or parking places or the use of any part of Doncaster Common as a parking place;
- (b) for prohibiting or regulating the placing of any photographic cart or of any show exhibition swing roundabout or other like thing;
- (c) for regulating the assemblage of persons on Doncaster Common;
- (d) for prohibiting any person from turning out or permitting to remain on Doncaster Common without lawful authority any horses cattle sheep pigs goats or other animals;
- (e) for preventing any unlawful digging or taking of stone chalk soil or other materials or the taking or cutting of turf sods trees flowers shrubs plants or grass;
- (f) for prohibiting or regulating the driving or placing of carriages caravans carts motor-cars or any other vehicles on or upon any part of Doncaster Common;
- (g) for prohibiting or regulating camping or sleeping on Doncaster Common or the lighting of fires thereon;
- (h) for preventing injury to or the defacing or removing of seats fences banners or other things put up and maintained by the Corporation on Doncaster Common;
- (i) for prohibiting the placing or leaving of any glass china earthenware tins paper or other refuse or litter;
- (j) for preventing nuisances and for the preservation of order;
- (k) for authorising any officer or servant of the Corporation after due warning to remove or exclude from Doncaster Common any person who within his view commits any offence against the byelaws made under this section;
- (l) for prohibiting the hindrance or obstruction of any officer or servant of the Corporation in the exercise of

PART VIII
—cont.

his duties under this section or under any byelaw made thereunder ;

- (m) for authorising the Corporation or any officer or servant of the Corporation to take down or remove any unauthorised enclosure building shed tent or other structure any unauthorised photographic cart show exhibition swing roundabout or other like thing or any horses cattle sheep pigs goats or other animals unlawfully on Doncaster Common.

As to setting apart of portions of Doncaster Common for bookmakers.

135.—(1) In this section the following expressions have the following meanings :—

- “ authorised meeting ” means any race meeting on the racecourse which for the time being may be authorised by the stewards of the Jockey Club or of the National Hunt Committee ;
- “ preliminary period ” means the two Sundays immediately preceding any authorised meeting and any week-day or days preceding and in the same week as any authorised meeting ;
- “ racing period ” means the days on which horse racing takes place on the racecourse during any authorised meeting ;
- “ racecourse ” means the area in the borough which is edged blue on the map marked “ racecourse map ” of which copies have been signed in triplicate by the Right Honourable the Earl of Drogheda the chairman of the committee of the House of Lords to which the Bill for this Act was referred one copy of which has been deposited at the office of the Clerk of the Parliaments one in the Private Bill Office of the House of Commons and one with the town clerk.

(2) Copies of or extracts from the racecourse map deposited with the town clerk and purporting to be certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the racecourse map.

(3) The Corporation without prejudice to any of their rights in respect of Doncaster Common may—

- (a) during the preliminary period and the racing period and so long as the racecourse is an approved racecourse within the meaning of the Racecourse Betting Act 1928 set apart or permit the setting apart of such portion or portions of Doncaster Common as they may think fit in reasonably convenient positions as places where bookmakers may carry on their business on any day during the racing period and prohibit the carrying on by any bookmaker of his business on any portion of Doncaster Common other than on a place so set apart ;

(b) on any day during the racing period so long as the race-course is an approved racecourse as aforesaid make or permit to be made such charges to bookmakers and their assistants for admission for the purpose of carrying on their business to a place or places so set apart as the Corporation may think fit:

Provided that such charges shall not exceed the lowest charges made for the admission of bookmakers and their assistants respectively to the silver ring on the racecourse.

136.—(1) On and from the first day of September one thousand nine hundred and fifty the Corporation may demand and take in respect of any cattle market or slaughterhouse under the management of the Corporation tolls not exceeding the tolls set out in the Fourth Schedule to this Act. Tolls in Corporation markets.

(2) The Corporation may with the sanction of the Secretary of State from time to time alter or add to the tolls mentioned in the Fourth Schedule to this Act and any such altered tolls shall as from the date on which they come into operation be substituted for the corresponding tolls payable under the said Fourth Schedule.

137. The Corporation may permit the opening of any shop store stand stall bench or other convenience situate in any of their markets or forming part of or acquired or erected in connection with the market undertaking of the Corporation on any days of the week (other than Sundays) and may appoint the days on which any such shop store stall bench or other convenience may be opened. Opening of shops etc. in market.

138.—(1) It shall be lawful for the Corporation— As to barriers etc. in streets.

(a) at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be erected along or across any of the streets of the borough;

(b) at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports or illuminations to cause flagpoles and pylons to be erected in any of such streets for the purpose of displaying decorations;

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

(2) For the purpose of the erection of such barricades flagpoles and pylons the Corporation may construct or place and maintain in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient.

(3) The powers of this section shall not be exercised in such a manner as to cause obstruction to or interference with the

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—cont.

access to or exit from any station wharf or depot of the commission except with their consent:

Provided that such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

Provisions as to
motor vehicles
let for hire.
10 & 11 Vict.
c. 89.

139. The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only:

Provided that this section shall not apply to any such vehicle which is kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a public service vehicle as defined in the Road Traffic Acts 1930 to 1947 or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

Attachment of
brackets etc.
to buildings.

140.—(1) Subject to the provisions of this section the Corporation may affix to any building in the borough such lamps brackets heating mains pipes electric lines and apparatus (in this section referred to as “attachments”) as may be required for the purposes of street lighting or the heating undertaking.

(2) The Corporation shall not affix attachments to a building under this section without the consent of the owner of the building:

Provided that where in the opinion of the Corporation any consent required under this subsection is unreasonably withheld they may apply to the appropriate authority who may either allow the attachments subject to such conditions (if any) as to rent or otherwise as the authority thinks fit or disallow the attachments.

(3) Where any attachments have been affixed to a building under this section and the person who gave the consent or who was the owner of the building when the attachments were allowed by the appropriate authority ceases to be the owner thereof the

subsequent owner may give to the Corporation notice requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall comply with the requirement within three months after the service of the notice:

Provided that where in the opinion of the Corporation any such requirement is unreasonable they may apply to the appropriate authority who may either annul the notice subject to such conditions (if any) as to rent or otherwise as the authority thinks fit or confirm the notice subject to such extension (if any) of the said three months as the authority thinks fit.

(4) Where any attachments have been affixed to a building under this section the owner of the building may require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

(5) If the owner of any building suffers damage by or in consequence of the affixing to the building of any attachments under the powers of this section he shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(6) In this section the following expressions have the meanings hereby assigned to them:—

“appropriate authority” means a court of summary jurisdiction except that in relation to a building mentioned in the first column of the following table it means the Minister specified in relation thereto in the second column of that table:—

Building forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949 or any enactment repealed by that Act.	The Minister of Civil Aviation.	12 & 13 Geo. 6. c. 67.
Building which— (i) is subject to a building preservation order made under section 29 of the Town and Country Planning Act 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved by the Minister of Town and Country Planning under section 30 of the last-mentioned Act; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest.	The Minister of Town and Country Planning.	
Building owned by a highway authority or railway canal dock or inland navigation undertakers.	The Minister of Transport.	
Building owned by electricity or gas undertakers ...	The Minister of Fuel and Power.	
Building owned by statutory water undertakers ...	The Minister.	

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—cont.

“building” includes a structure and a bridge or aqueduct over a street ;

“owner” means—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remain unexpired and not forming part of such an aerodrome as aforesaid the occupier of the building ;

(b) in relation to a building forming part of such an aerodrome as aforesaid the person having control of the aerodrome ;

(c) in relation to any other building the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent ;

and the expression “owned” shall be construed accordingly.

(7) The provisions of section 290 of the Act of 1933 shall apply to the determination by any Minister of any question to be determined by him under this section.

Extension of
section 2 (3)
of Public
Health
(Interments)
Act 1879.
42 & 43 Vict.
c. 31.

141.—(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.

(2) Any such sum shall be invested in statutory securities or in manner authorised by section 62 (Consolidated loans fund) of the Doncaster Corporation Act 1926 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 undertaking but otherwise the said interest shall be paid into the fund to which receipts derived from the cemetery undertaking are paid.

Restriction
on erection
of stands etc.

142.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for not less than twenty persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such conditions as the Corporation may prescribe for securing the stability of such stand or structure and protection against fire and for securing the safety of persons to be accommodated thereon.

(2) Any person aggrieved by any conditions prescribed by the Corporation under subsection (1) of this section may appeal in accordance with section 154 (As to appeals) of this Act:

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—cont.

Provided that pending the determination of such appeal twenty or more persons shall not be admitted to such stand or structure unless the conditions prescribed by the Corporation have been complied with.

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

(4) The provisions of this section shall not apply to any stand or structure erected by a person who is a proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

143. The provisions of section 59 of the Rating Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with any undertaking department or service of the Corporation. Service of demand notes.

PART IX

PROTECTIVE PROVISIONS

144. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of the Commissioners of Crown Lands on behalf of His Majesty first had and obtained for that purpose. Crown rights.

145.—(1) Where in pursuance of an order made under section 95 (Stopping up and diversion of highways) of this Act any highway or portion of a highway is stopped up the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or portion of a highway at the time of such stopping up:— For protection of Postmaster-General.

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or portion of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in

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—cont.

subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be ;

- (b) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it ;
- (c) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require ;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1949 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of any highway has been stopped up the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) If in the exercise or intended exercise of the powers conferred on them by section 84 (Rounding or splaying off corners at street junctions) or section 86 (Variation of width of carriageways and footways) of this Act (which said sections are hereinafter referred to as "the specified sections") the Corporation require an alteration either temporarily or permanently in any telegraphic line belonging to or used by the Postmaster-General the enactments numbered (1) to (8) in section 7 of the Telegraph Act 1878 shall apply with respect to such alteration.

(4) If in consequence of the exercise or intended exercise by the Corporation of any of the powers conferred on them by the specified sections the Postmaster-General considers it necessary or expedient that an alteration should be made in any telegraphic line belonging to or used by him and placed in any street affected by the exercise or intended exercise by the Corporation of any of the said powers the Postmaster-General may himself make

such alteration in such telegraphic line as he deems necessary or expedient and the Corporation shall pay to the Postmaster-General all the expenses incurred by him in respect of such alteration and the amount of any loss or damage sustained by him in consequence thereof:

Provided that—

(a) before making such alteration the Postmaster-General shall give a notice to the Corporation containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make ;

(b) the Corporation may within fourteen days of the receipt of the notice give to the Postmaster-General a notice objecting to the alteration on the ground that it is unnecessary or unreasonable and thereupon a difference shall be deemed to have arisen and section 4 of the Telegraph Act 1878 shall apply accordingly and the tribunal by which the difference is determined may make such order as it thinks just as to the alteration (if any) to be made in the telegraphic line and as to the manner in which the proposed work of the Corporation is to be carried out.

(5) In this section—

(a) the expression “alteration” has the same meaning as in the Telegraph Act 1878 ;

(b) the reference to section 4 of the Telegraph Act 1878 is a reference to that section as substituted by section 2 of the Railway and Canal Commission (Abolition) Act 1949. 12 & 13 Geo. 6.
c. 11.

146. For the further protection of the electricity board and the gas board (each of whom is in this section referred to as “the board”) the following provisions shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

(1) In this section—

(a) “apparatus” means—

(i) in relation to the electricity board all or any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the electricity board ; and

(ii) in relation to the gas board any mains pipes and other works and apparatus belonging to the gas board ;

(b) “position” includes depth :

PART IX
—cont.

(2) Not less than twenty-eight days before the Corporation—

(a) in the exercise of the powers of section 84 (Rounding or splaying off corners at street junctions) of this Act require the addition to the carriageway of a street of any portion of a footway or grass margin or garden in under upon over along or across which any apparatus is situate ; or

(b) in the exercise of the powers of section 86 (Variation of width of carriageways and footways) of this Act add to the carriageway of a street any portion of such a footway ;

the Corporation shall give to the board notice in writing of their intention so to do accompanied by a plan and section of the intended alteration and the board may (and if reasonably so required by the Corporation shall) alter the position of the apparatus to such other position in over or under—

- (i) the carriageway or footway ; or
 - (ii) the grass margin or garden (if any) as altered ;
- as may be reasonable :

(3) Not less than twenty-eight days before the Corporation—

(a) pursuant to section 89 (Crossings over footways) of this Act—

(i) require approve (with or without modifications) or propose the construction or formation of a carriage-crossing across a grass verge or footway in under upon over along or across which any apparatus is situate ; or

(ii) require approve (with or without modifications) or propose the strengthening or adapting of any such footway ; or

(iii) allow subject to conditions the use of any such footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) ; or

(b) pursuant to section 98 (Means of access to buildings) of this Act require the provision of means of communication across any such footway ;

the Corporation shall give notice in writing to the board and if in consequence of the construction or formation of the carriage-crossing or means of communication across such grass verge or footway or the strengthening or adapting of such footway or the use of such grass verge or footway for the purpose aforesaid it shall be reasonably necessary to alter the position of the apparatus the board may (and if reasonably

so required by the Corporation shall) alter the position of the apparatus to such other position as may be reasonable:

- (4) The board shall within twenty-eight days from the receipt of a notice from the Corporation pursuant to paragraph (2) or paragraph (3) of this section give to the Corporation not less than fourteen days' notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the Corporation) under the provisions of the relevant paragraph and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section be not disapproved by the Corporation within fourteen days from the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable:
- (5) (a) Whenever by virtue of the provisions of section 95 (Stopping up and diversion of highways) of this Act any highway or any length of highway in or under upon over along or across which any apparatus is situated is stopped up or diverted the board shall be at liberty to—
- (i) remove the apparatus to and re-lay or replace the same in or under upon over along or across the highway (if any) substituted for the highway or length of highway so stopped up or diverted or in such other position as the board may reasonably determine; or
 - (ii) provide and lay or place other apparatus in or under upon over along or across such substituted highway or in such other position as aforesaid in lieu of such existing apparatus;
- (b) Whenever by reason or in consequence of the exercise by the Corporation of the powers of the said section 95 any apparatus (other than apparatus for which new apparatus has been substituted at the expense of the Corporation under the provisions of this section) is rendered derelict useless or unnecessary the Corporation shall forthwith pay to the board such a sum as may be agreed between the Corporation and the board or as failing agreement between them may be determined by arbitration to be the value of the apparatus so rendered derelict useless or unnecessary and such apparatus shall upon such payment become the property of the Corporation:
- (6) The Corporation shall repay to the board the reasonable expenses incurred by the board of or in connection with—
- (a) the alteration of the position of any apparatus under paragraph (2) or paragraph (3) of this section;

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—cont.

(b) the removal and re-laying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (5) of this section ;

(c) the making good of any damage to any apparatus caused by or resulting from any act omission or default of the Corporation their officers servants and workmen in the exercise of the powers of Part V (Streets) of this Act ;

and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph :

Provided that if the board provide and lay or place apparatus of greater dimensions (other than length) or of greater capacity than those of the existing apparatus the board shall bear such proportion of the cost of such provision and laying or placing as represents the amount by which such cost exceeds the cost which would have been incurred if the dimensions or the capacity of the apparatus so laid or placed had been the same as those of the existing apparatus :

- (7) (a) The Corporation shall so exercise the powers of section 85 (Trees grass verges and gardens) of this Act as not to cause damage to or obstruct or render less convenient the access to any apparatus of the board and shall so maintain every tree planted under the powers conferred by that section that the same does not injuriously affect any such apparatus ;
- (b) Nothing in paragraph (e) of subsection (1) of the said section 85 shall affect the rights of the board with respect to apparatus in under upon over along or across any area to which that subsection relates :
- (8) The Corporation shall not exercise any of the powers of section 87 (Guard rails in private streets) or section 138 (As to barriers etc. in streets) of this Act so as to cause damage to or obstruct or render less convenient the access to any apparatus :
- (9) The Corporation shall not except with the consent of the board exercise the powers of section 88 (Direction signs) of this Act on any building structure or land for the time being belonging to the board :
- (10) The provisions of section 90 (Retaining walls) of this Act shall not apply to a retaining wall on a street (as defined in that section) erected or to be erected on land belonging to the board :

(11) The Corporation shall not pursuant to section 99 (Pavement lights and ventilators) of this Act consent to the provision of any means for the admission of light or air through a pavement if such provision may cause damage to or obstruct or render less convenient the access to any apparatus:

(12) (a) Any difference which may arise between the Corporation and the board under this section (other than a difference as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration;

(b) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the board may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

PART X

GENERAL

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 section 134 (Byelaws as to Doncaster Common) of this Act the Secretary of State; and

(b) in all other cases the Minister.

148. Section 298 of the Act of 1936 shall apply to offences created by or under Part V (Streets) Part VI (Sanitation and buildings) and section 132 (Cleansing of rivers and streams) of this Act as if they were offences created by or under that Act.

149. 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.

150. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement

(4) As respects any of the said provisions which requires the registration of persons carrying on any business or of premises used for any purpose it shall be lawful for any person who when such provision comes into operation—

(a) was carrying on any such business or using any premises for any such purpose ; and

(b) has made application in accordance with the provisions of this Act for such registration as is required by this Act ;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of section 154 (As to appeals) of this Act.

154.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part V (Streets) or Part VI (Sanitation and buildings) of this Act or section 132 (Cleansing of rivers and streams) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction. As to appeals.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before a committee of the council with regard to the same matter.

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such

PART X
—cont.

requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

- (a) no proceedings in respect of any failure to execute the work or take the action shall be taken ;
- (b) the Corporation shall not execute such work or take such action ; and
- (c) subject to the proviso to subsection (2) of section 142 (Restriction on erection of stands etc.) of this Act any such person may carry on such business and use such premises for such purpose ;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

Application
of provisions
of Act of 1936.

155.—(1) The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto :—

- Section 271 (Interpretation of “provide”);
- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 276 (Power of local authority to sell certain materials);
- Section 277 (Power of councils to require information as to ownership of premises);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 287 (Power to enter premises);
- Section 288 (Penalty for obstructing execution of Act);
- Section 289 (Power to require occupier to permit works to be executed by owner);
- Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);
- Section 292 (Power to make a charge in respect of establishment expenses);

- Section 293 (Recovery of expenses &c.) ;
 Section 294 (Limitation of liability of certain owners) ;
 Section 295 (Power of local authority to grant charging orders) ;
 Section 296 (Summary proceedings for offences) ;
 Section 297 (Continuing offences and penalties) ;
 Section 328 (Powers of Act to be cumulative) ;
 Section 329 (Saving for certain provisions of the Land Charges Act 1925) :

PART X
—cont.

Provided that—

- (a) the said sections 277 287 288 289 291 292 293 294 295 and 329 shall only apply to the provisions contained in Part V (Streets) Part VI (Sanitation and buildings) and Part VIII (Miscellaneous) of this Act ;
 (b) the said section 288 shall not apply to the provisions of section 116 (Hairdressers and barbers) of this Act.

(2) Sections 284 285 and 296 of the Act of 1936 shall extend and apply in relation to any existing local enactment in force in the borough as if such sections were re-enacted in that Act and in terms made applicable thereto.

156. The following enactments are hereby repealed :—

Doncaster Corporation Act 1904—

Section 64 (Crossings for horses or vehicles over footways) :

Repeal.

4 Edw. 7. c. ciii.

Doncaster Corporation Act 1922—

Section 51 (As to erection of retaining walls) :

12 & 13 Geo. 5.
c. lxxii.

Doncaster Corporation Act 1931—

Section 80 (As to pavement lights) ;

Section 142 (As to determination of compensation).

21 & 22 Geo. 5.
c. lvii.

157. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for
powers of
Treasury.8 & 9 Geo. 6.
c. 18.9 & 10 Geo. 6.
c. 58.

158. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for
town and
country
planning.

PART X

—cont.

Costs of Act.

159. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained 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 such other funds and in such proportions as the Corporation shall determine or out of money to be borrowed under this Act for that purpose.

SCHEDULES

FIRST SCHEDULE

PART I LOCAL ACTS

Session and chapter	Title or short title
43 Geo. 3. c. cxlvii ...	An Act for repealing so much of an Act passed in the Fourth Year of the Reign of His present Majesty as relates to the lighting the Streets and Places within the Borough and Soke of Doncaster in the County of York and for more effectually lighting watching and otherwise improving the said Borough and for preventing Nuisances therein.
36 & 37 Vict. c. cxxix ...	The Doncaster Corporation Waterworks Act 1873.
43 & 44 Vict. c. xxix ...	The Doncaster Corporation Waterworks Act 1880.
57 Vict. c. xxix ...	The Doncaster Corporation Act 1894.
4 Edw. 7. c. ciii ...	The Doncaster Corporation Act 1904.
8 Edw. 7. c. lviii ...	The Doncaster Corporation Act 1908.
5 & 6 Geo. 5. c. xv ...	The Doncaster Corporation Act 1915.
12 & 13 Geo. 5. c. lxxii ...	The Doncaster Corporation Act 1922.
16 & 17 Geo. 5. c. xxvii ...	The Doncaster Corporation Act 1926.
21 & 22 Geo. 5. c. lvii ...	The Doncaster Corporation Act 1931.

PART II CONFIRMATION ACTS AND ORDERS

Session and chapter	Confirmation Act	Order
42 & 43 Vict. c. lxxviii.	The Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879.	Order relating to Doncaster dated 29th April 1879.
46 & 47 Vict. c. cxxxvi.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1883.	Order relating to Doncaster dated 18th May 1883. The Doncaster Corporation Light Railways Order 1899.

1ST SCH.
—cont.

Session and chapter	Confirmation Act	Order
		The Doncaster Corporation Light Railways (Deviation &c.) Order 1902.
		The Doncaster Corporation Light Railways (Extensions) Order 1903.
		The Doncaster Corporation Light Railways (Extension) Order 1911.
		The Doncaster Corporation Light Railways (Extensions) Order 1914.
4 & 5 Geo. 5. c. clxxx.	The Local Government Board's Provisional Order Confirmation (No. 20) Act 1914.	The Doncaster (Extension) Order 1914.
11 & 12 Geo. 5. c. lxx.	The Ministry of Health Provisional Orders Confirmation (No. 7) Act 1921.	The Doncaster Order 1921.
		The Doncaster Corporation Light Railways (Extensions) Order 1922.
19 & 20 Geo. 5. c. xxvi.	The Doncaster Corporation (Trolley Vehicles) Order Confirmation Act 1929.	The Doncaster Corporation (Trolley Vehicles) Order 1929.
20 & 21 Geo. 5. c. cxlv.	The Ministry of Health Provisional Orders Confirmation (Doncaster Saint Ives (Cornwall) and Scarborough) Act 1930.	The Doncaster Order 1930.
26 Geo. 5. & 1 Edw 8. c. xlvii.	The Doncaster Corporation (Trolley Vehicles) Order Confirmation Act 1936.	The Doncaster Corporation (Trolley Vehicles) Order 1936.
9 Geo. 6. c. iii.	The Ministry of Health Provisional Order Confirmation (Doncaster) Act 1945.	The Doncaster Order 1945.
		The Doncaster Water Order 1948.

SECOND SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING
SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor to be at the relevant date the average cost per lineal yard of providing a public sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

2. The expenses incurred by the Corporation not exceeding the sum so apportionable shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date :

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the Corporation and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

3. As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of any such notice to appeal to a court of summary jurisdiction against the apportionment and may on the appeal dispute the correctness of the surveyor's certificate as well as any other matter affecting the validity or correctness of the apportionment.

5. If the court finds that the aggregate sum apportioned is excessive or that the apportionment thereof is erroneous the court—

(a) shall order the Corporation to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval ; and

(b) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any such revised apportionment either without amendment or with such amendments as they think just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the Corporation subject to and in accordance with the following provisions :—

(a) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith :

Provided that where a sum has become payable under sub-paragraph (c) of this paragraph in respect of the frontage

2ND SCH.
—cont.

of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land ;

(b) At any time after whichever of the following events last occurs (that is to say):—

(i) the erection of the new building ; or

(ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal ;

the Corporation may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand :

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

(c) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein ;

(d) The rate of interest chargeable under this paragraph shall be such rate as the Corporation may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7. If any person from whom any sum becomes recoverable under the last preceding paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the Corporation or a court of summary jurisdiction on appeal may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected :

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 be deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

(2) Where the whole or part of the sum so deemed to be a charge (hereinafter in this sub-paragraph referred to as "the provisional charge") becomes actually charged on the whole or part of the premises under the foregoing provision of this schedule—

- (a) within fourteen days the registration of the provisional charge under the said section 15 shall be cancelled and the actual charge shall be registered under that section as from the date on which the provisional charge was registered ;
- (b) where a part only of the said sum has become actually charged on a part of the premises the remainder of that sum shall be deemed to be a charge on the remainder of the premises notwithstanding that it is not immediately recoverable and shall be registered accordingly within the said fourteen days under the said section as from the said date and the foregoing provisions of this sub-paragraph shall apply thereto accordingly.

9. For the purposes of this schedule—

(a) A building shall be deemed to be a new building erected after the relevant date unless its erection was completed before that date ;

(b) The following alterations and extensions shall be deemed to be the erection of a new building (that is to say) :—

(i) the re-erection wholly or partially of any building of which an outer wall is pulled down (otherwise than in consequence of fire or other accident) either completely or to such a distance that the part of that wall remaining is less than half the previous height of the building (the height being measured from ground level to the highest point of the building) ;

(ii) the conversion into a house of any building not originally constructed for human habitation ;

(iii) the conversion of any premises into a factory shop or place of public resort ;

(iv) any extension by reason whereof the area occupied by the site of the building will (with any previous extension made since the relevant date) be increased by an area of more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date ;

(c) The expression " the relevant date " means—

(i) in relation to an apportionment under section 101 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the council the date when the resolution became operative ; and

(ii) in relation to an apportionment under section 102 (Recovery of expenses of sewerage prospective street) of this Act in respect of land becoming a street the date on which the street was laid out.

THIRD SCHEDULE

PROVISIONS AS TO 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 three 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 :

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(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 place and 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.

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.

3RD SCH.
—cont.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.

Date.....

COUNTY BOROUGH OF DONCASTER

DONCASTER CORPORATION BONDS

.....per centum.....Doncaster Corporation bonds repayable at par on the19..... at

This is to certify that of is the registered holder of a bond for pounds (£.....) issued by the mayor aldermen and burgesses of the borough of Doncaster under the Doncaster Corporation Act 1950 at

Treasurer

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.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER

DONCASTER CORPORATION BOND[S]

I in consideration of the sum of paid by (hereinafter called " the transferee ") do hereby assign and transfer to the transferee to hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the transferee do hereby agree to accept and take the saidsubject to the conditions aforesaid

As witness our hands and seals this day of 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.

3RD SCH.
—cont.

(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 Doncaster 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.

8. The Corporation may close the register for a period not exceeding thirty days immediately before the date for the payment of any interest on the bonds and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

10.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown on the register.

(2) 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.

11. The production to the Corporation of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Corporation as sufficient evidence of the grant.

FOURTH SCHEDULE

CATTLE MARKET

TOLLS

	s.	d.	
Stallion horses	2	0	} in respect of each animal
Other horses mules and asses	1	0	
Bulls	1	6	
Cows oxen heifers or steers	1	0	
Sheep lambs calves sucking pigs goats		3	
Rams (in season)	1	0	
Pigs other than sucking pigs		6	
Poultry		1	
Carts	1	0	

WEIGHING

	d.
Cattle	6
Sheep pigs calves etc. every 5 or less	3

PASTURING CHARGES

Beasts 1s. 0d. per day or 5s. 0d. per week for each animal.

Sheep and calves 6d. per day or 2s. 6d. per week for each animal.

PUBLIC SLAUGHTERHOUSE

SLAUGHTERING CHARGES

	During ordinary business hours		After ordinary business hours		
	s.	d.	s.	d.	
Bulls bullocks oxen cows heifers or steers	5	0	6	6	} for each animal
Calves	1	3	1	9	
Sheep or lambs	1	0	1	6	
Pigs (up to 20 stones)	2	0	2	6	
Pigs (over 20 stones)	2	6	3	0	

HANGING CHARGES

Hanging charges in cooling hall for every day of 24 hours or part thereof (after the first 24 hours)—

	s.	d.
Beef side		9
Beef quarter		9
Sheep		4
Calves		4
Pigs (small) up to 12 stones	1	3
Pigs (large) 12 to 15 stones... ..	2	6
Pigs (large) side	2	0

4TH SCH.
—cont.

Offals viz.:—

				s.	d.	
Beasts heads	each	3	} Per week or part thereof with a minimum charge of 6d.
Calves heads	...	...	...	"	3
Sheeps heads	...	...	...	"	3
Pigs heads	...	...	...	"	3
Beasts livers	...	...	...	"	3
Beasts hearts	...	...	...	"	3
Beasts fry	...	...	...	"	1 0
Beasts tails	...	...	...	"	3
Sheeps and pigs pluck	...	...	...	"	3
Beasts skirts and kidneys	...	...	...	"	2

Portions etc. by weight 4d. per stone per week.

LAIRAGE CHARGES

For the use of lairs for every 24 hours or part thereof (after the first 24 hours)—

				s.	d.
Bulls bullocks oxen cows heifers or steers	each	1 0
Calves sheep lambs or pigs...	"	6

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ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Extinguishment of common rights.
4. Compensation for extinguishment of common rights.
5. Apportionment of compensation money.
6. Enclosure of specified lands and extinguishment of rights of way.
7. Use of Burma Road by public.
8. Use by public of track adjoining foreshore.
9. Provision of allotments.
10. Saving of rights in respect of other lands.
11. Crown rights.
12. Costs of Act.

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