

[1 EDW. 8. &
1 GEO. 6.]

Sheffield
Corporation Act, 1937.

[Ch. xxxi.]



CHAPTER xxxi.

An Act to authorise the corporation of the city of Sheffield to construct street improvements and additional tramways to confer further powers upon them with respect to their electricity undertaking and with regard to the health improvement good government and finance of the city and for other purposes. A.D. 1937.

[10th June 1937.]

WHEREAS the city of Sheffield (in this Act referred to as "the city") is a county borough under the government of the lord mayor aldermen and citizens of the city (in this Act referred to as "the Corporation"):

And whereas it is expedient that the Corporation should be empowered to construct certain street improvements and to acquire lands for those and other purposes as by this Act provided:

And whereas it is expedient that the Corporation should be empowered to construct certain tramways within and outside the city:

And whereas it is expedient that further powers should be conferred upon the Corporation in connection with their electricity and markets undertakings:

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

A.D. 1937. — and otherwise for the local government health improvement and finance of the city and that the powers of the Corporation in relation thereto should be enlarged and extended :

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows :—

	£
For the purchase of lands and buildings	837,254
For the construction of the street improvements authorised by this Act and the works incidental thereto - - - - -	144,542
For the construction and equipment of the tramways authorised by this Act - - - - -	33,435

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

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

And whereas plans and sections showing the lines and levels of the works to be authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the town clerk of the city and with the clerk of the county council of the administrative county of the west riding of York which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

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

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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:—

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PART I.

PRELIMINARY.

1. This Act may be cited as the Sheffield Corporation Act 1937. Short title.

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

- Part I—Preliminary.
- Part II—Lands &c.
- Part III—Street improvements.
- Part IV—Tramways &c.
- Part V—Electricity.
- Part VI—Streets and buildings.
- Part VII—Sewers and drains.
- Part VIII—Sanitary provisions.
- Part IX—Police provisions.
- Part X—Superannuation.
- Part XI—Finance and rates.
- Part XII—Miscellaneous.

3. The following Acts and parts of Acts so far as the same are applicable to the purposes of and are not inconsistent with the relevant provisions of this Act are hereby incorporated with and form part of this Act (that is to say):— Incorporation of Acts.

(1) The Lands Clauses Acts with the following exceptions and modifications:—

(a) Sections 127 to 132 inclusive of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act; 8 & 9 Vict. c. 18.

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the

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PART I.
—cont.

Corporation and shall be sufficient without the addition of the sureties mentioned in that section;

(c) The expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Corporation:

33 & 34 Vict.
c. 78.

- (2) Section 3 section 19 and Parts II and III of the Tramways Act 1870 Provided that the said section 19 shall be read and have effect as if the words “but nothing in this Act contained shall authorise any local authority to place or run carriages upon such tramway and to demand and take tolls and charges in respect of the use of such carriages” were omitted from that section.

Interpre-
tation.26 Geo. 5. &
1 Edw. 8.
c. 49.

4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Act 1936 meanings are assigned shall in this Act have in relation to the relative subject-matter the same respective meanings And in this Act—

“The city” means the city of Sheffield;

“The council” means the council of the city;

“The Corporation” means the lord mayor aldermen and citizens of the city acting by the council;

“The town clerk” “the surveyor” “the sanitary inspector” “the medical officer” and “the treasurer” mean respectively the town clerk the surveyor or any sanitary inspector the medical officer of health and the treasurer of the city;

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

“The Minister” means the Minister of Health;

“The Act of 1929” and “the Act of 1933” mean respectively the Local Government Act 1929 and the Local Government Act 1933;

19 & 20
Geo. 5. c. 17.

- “ The Rating Act 1925 ” means the Rating and Valuation Act 1925; 15 & 16 Geo. 5. c. 90.
- “ The Act of 1922 ” means the Local Government and other Officers’ Superannuation Act 1922; 12 & 13 Geo. 5. c. 59.
- “ The Act of 1918 ” means the Sheffield Corporation (Consolidation) Act 1918; 8 & 9 Geo. 5. c. lxi.
- “ The Act of 1928 ” means the Sheffield Corporation Act 1928; 18 & 19 Geo. 5. c. lxxxvii.
- “ The Act of 1932 ” means the Sheffield Corporation Act 1932; 22 & 23 Geo. 5. c. xv.
- “ The Lands Clauses Acts. ” means those Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act; 9 & 10 Geo. 5. c. 57.
- “ The street improvements ” means the street improvements and other works authorised by Part III (Street improvements) of this Act together with the subsidiary works authorised by this Act;
- “ The tramways undertaking ” means the tramways undertaking of the Corporation as from time to time authorised;
- “ The tramways ” means the tramways by this Act authorised to be constructed;
- “ The electricity limits ” means the limits within which the Corporation are from time to time authorised to supply electricity;
- “ The electricity undertaking ” means the electricity undertaking of the Corporation as from time to time authorised;
- “ Daily penalty ” means a penalty for every day on which any offence is continued by a person after conviction;
- “ 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;

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PART I.
—cont.38 & 39 Vict.
c. 83.

“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

“ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed but shall not include power to borrow by way of a temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933; and

“ Revenues of the Corporation ” includes the general rate fund and all rates exchequer contributions and other revenues whether arising from land or undertakings or any other source receivable by the Corporation otherwise than as trustees;

All distances and lengths stated in any description of works or lands shall be read and have effect as if the words “ or thereabouts ” were inserted after each such distance and length.

5. The following Parts of this Act shall not come into operation until the first day of October one thousand nine hundred and thirty-seven and shall come into operation on that day (that is to say):—

Part VI—Streets and buildings.

Part VII—Sewers and drains.

Part VIII—Sanitary provisions.

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PART I.
—cont.

Commence-
ment of
certain
Parts of Act.

PART II.

LANDS &C.

6. Subject to the provisions of this Act the Corporation may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require—

Power to
take lands.

- (a) for the purposes of the street improvements and for the improvement and development of frontages or of any lands abutting on or adjacent to any street;
- (b) for the purpose of providing a mental deficiency colony;
- (c) for the purposes of the erection of municipal buildings offices public halls and other buildings and premises for carrying on the business and the several undertakings of the Corporation and also for the purposes of the erection as part of or in connection with such buildings of houses shops offices and business or residential chambers;
- (d) for the purposes of enlarging and extending a tramway depot;
- (e) for the purposes of schools and playing fields;
- (f) for the purposes of technical art domestic and commercial education; and
- (g) for the purposes of a public service vehicle station.

7.—(1) Subject to the provisions of this Act the Corporation may enter upon take appropriate and use the lands hereinafter described which are delineated

Power to
take
additional
lands.

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PART II.
—cont.

on the deposited plans and described in the deposited book of reference (that is to say):—

The lands in the city delineated on the deposited plans and described in the deposited book of reference and thereon numbered 814 to 846 inclusive.

(2) The Corporation may upon and subject to such terms and conditions as they may think fit transfer or lease to the university of Sheffield for the purpose of that university the whole or any part of the lands acquired by them under the powers of this Act and described in this section.

Use of
certain
lands in
Pipworth
Road for
housing
purposes.

8. Notwithstanding anything in any Act or Order relating to the Corporation the Corporation may and shall be deemed always to have been lawfully entitled to set apart appropriate and use for the purposes of the Housing Acts 1925 to 1935 and any Act amending or extending those Acts or any of them the lands hereinafter described (that is to say):—

A strip of land in the city at the rear of the houses on the north-east side of Pipworth Road fourteen yards in depth and extending between the south-eastern end of Pipworth Road school and a point four hundred yards south-east thereof.

Power to
acquire
easement.

9. The Corporation may for the purpose of obtaining access over and across the land in this section described and shown on the deposited plans and included within the "Limit of land over which easement is to be acquired" marked on those plans enter upon and acquire an easement or right of passing and repassing over and across that land with vehicles horses officers and servants without being required to purchase the land or any part thereof and may give notice to treat in respect of such easement or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easement or right as fully as if the same were land within the meaning of those Acts except that no such easement or right of user shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

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The land to which this section relates is—

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A strip of land in the city extending from Ringinglow Road in a south-easterly direction for a distance of four hundred and thirty-three yards bounded on the south-west by the north-eastern boundaries of the enclosures numbered 1650 1628 1626 and 1569 on the 1/2500 Ordnance map (Yorkshire (West Riding) sheet CCXCIV.14 edition of 1922) and being of a depth of thirty feet for a distance of two hundred and twenty yards and then of a depth of twenty feet for a distance of two hundred and thirteen yards and extending thence in a south-westerly direction for a distance of twenty yards bounded on the north-west by the south-eastern boundary of the said enclosure numbered 1569 and being of a depth of twenty feet and containing in all three thousand eight hundred and twenty-nine square yards.

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PART II.
—cont.

10. The powers granted by this Part of this Act for the compulsory purchase of lands for the purposes of the street improvements referred to in the section of this Act of which the marginal note is "Power to make street improvements" shall cease on the thirty-first day of December one thousand nine hundred and forty-two and for the other purposes of this Part of this Act shall cease on the thirty-first day of December one thousand nine hundred and forty.

Period for compulsory purchase of lands.

11. Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act acquire otherwise than by agreement any of the properties in the city numbered 724 725 and 732 on the deposited plans.

For protection of Tennant Brothers Limited.

12. Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act acquire otherwise than by agreement the property in the city numbered 310 on the deposited plans.

For protection of William Stones Limited.

13. Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act acquire any of the properties in the city numbered 733 734 735 736 and 737 on the deposited plans.

For protection of twelve capital burgesses and commonalty of town and parish of Sheffield.

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PART II.
—cont.For pro-
tection of
Truswells
Brewery
Company
Limited.Correction
of errors
in deposited
plans and
book of
reference.

14. Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act acquire any of the properties in the city numbered 733 736 and 737 on the deposited plans.

15. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the city for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the town clerk and shall be kept by him with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and exercise the powers of this Act in accordance with such certificate.

Power to
make
allowances
to certain
persons
displaced.

16. The Corporation may pay to any person displaced from any dwelling-house or other building required by the Corporation under the provisions of this Act and carrying on any trade or business in any such dwelling-house or other building such reasonable allowance as they think fit towards the loss which in their opinion such person will sustain by reason of the disturbance of his trade or business consequent on his having to quit the dwelling-house or other building and in estimating that loss the Corporation shall have regard to the period for which the premises occupied by such person might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

Agreements
with
owners of
property
&c.

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

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

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PART II.
—cont.

18. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any Government department is required only with such consent.

Compensa-
tion may
be in
land &c.

19. The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation by agreement of any lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of this Act.

Purchase of
lands for
exchange.

20. The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the provisions of any general or local enactment from time to time in force in the city with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Power to
reinstat-
e owners of
property.

21.—(1) The Corporation may stop up and discontinue as highways the footpaths in the city shown on the deposited plans as intended to be stopped up.

Closing of
highways.

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PART II.
—cont.

(2) As from the stopping up of any footpath under the provisions of this section all rights of way over and along such footpath shall be extinguished and the Corporation may appropriate and use the site thereof so far as they are the owners of the land on both sides thereof:

Provided that the Corporation shall make full compensation to all persons interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Removal
of human
remains.

22.—(1) If and when the Corporation shall acquire the lands in the city described in the next succeeding section they shall before applying or using any part of such lands for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in any part of the said land so to be acquired.

(2) Before proceeding to remove any such remains the Corporation shall publish a notice for three successive days in two local newspapers circulating in the city to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) At any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the said lands may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in any burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the

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Sheffield County Court and that court shall have power to make an order specifying who shall remove the remains.

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—cont.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the person giving the same or (as the case may be) the person specified in any order of the county court made under subsection (4) of this section shall fail to comply with the provisions of this section the Corporation may remove the remains of the deceased person and cause them to be re-interred in a burial ground or cemetery in which burials may legally take place and which the Corporation think suitable for the purpose.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the city as the Sheffield County Court may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation and the Corporation shall cause to be made a record of such monuments and tombstones and their situation when re-erected showing the particulars respecting each monument or tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(8) Any jurisdiction or power conferred on the Sheffield County Court by this section may be exercised by the registrar of the court.

(9) The removal of the remains of any deceased person under this section shall be carried out under

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PART II.

—cont.

Power to
use lands
for building
and other
purposes.

47 & 48 Vict.
c. 72.

50 & 51 Vict.
c. 32.

6 Edw. 7.
c. 25.

23.—(1) Notwithstanding the provisions of the Disused Burial Grounds Act 1884 the Open Spaces Act 1887 and the Open Spaces Act 1906 the land in the city bounded on the north-east by Surrey Lane on the north-west by Eyre Lane on the south-west by Howard Street and on the south-east by Arundel Street shall not nor shall any part thereof be deemed to be a disused burial ground or open space within the meaning of the said Acts of 1884 1887 and 1906 and nothing therein contained shall be construed to prohibit the erection of buildings upon the site of the said lands or in any way to restrict the manner in which that site can be disposed of or dealt with.

(2) Subsection (1) of this section in its application to the portion of the said lands in which human remains are interred shall not have effect unless and until those remains have been removed as hereinbefore provided.

Amend-
ment of
section 87
of Act of
1928.

24. Section 87 (Power to develop lands &c.) of the Act of 1928 shall be read and have effect as if the words “any other purpose” were inserted in lieu of the words “the purposes for which they were acquired” in subsection (1) of the section.

Power to
Corporation
to advance
money for
erection of
buildings.

25.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired from or leased by them for the purpose of enabling or assisting him to erect or complete the erection of buildings on such lands provided that any advance shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the lands with the intended buildings erected thereon.

25 & 26
Geo. 5. c. 40.

(2) Every such advance shall be repaid with interest at 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 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and the purchaser or lessee.

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

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PART II.

—cont.

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

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the building in respect of the erection of which the advance is made and of the land upon which such building is to be erected or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and shall require the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce the receipt for the premium paid in respect of such insurance to the Corporation when required by them and to keep the building in good repair.

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

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall

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PART II.
—cont.

not be unreasonably withheld) at any time transfer his interest in the building in respect of the erection of which such advance is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

PART III.

STREET IMPROVEMENTS.

Power to
make street
improve-
ments.

26. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown on the deposited plans and sections relating thereto make and maintain in the city the street improvements hereinafter described together with all proper and necessary junctions connections approaches sewers drains works and conveniences in connection therewith (that is to say):—

Improvement No. 1 (Burngreave Road)—

A widening of Burngreave Road on the west side thereof between Christchurch Road and Pitsmoor Road and on the east side thereof between a point 36 yards north-east of Christchurch Road and Barnsley Road;

Improvement No. 2 (Pitsmoor Road)—

A widening of Pitsmoor Road on the north-west side thereof between Orphanage Road and a point 81 yards south-west thereof;

Improvement No. 3 (Barnsley Road)—

A widening of Barnsley Road on the north-west side thereof between Orphanage Road and Blyde Road and on the south-east side thereof between Burngreave Road and Osgathorpe Road;

Improvement No. 4 (London Road)—

A widening of London Road on the east side thereof between Sark Road and a point 108 yards south thereof and on the west side thereof between Wolseley Road and Broadfield Road;

Improvement No. 5 (The Moor)—

A widening of The Moor on the east side thereof between Ellin Street and a point 28 yards south thereof with a rounding off of the corner at the junction of The Moor and Ellin Street;

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Improvement No. 6 (Chapel Street Woodhouse)—

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A widening of Chapel Street on the north-west side thereof between Stradbroke Road and a point 94 yards north-east thereof and on the south-east side thereof between points respectively 51 yards and 95 yards north-east of Tannery Street;

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PART III.
—cont.

Improvement No. 7 (Bradfield Road)—

A widening of Bradfield Road on the north-west side thereof between Hawksley Avenue and a point 67 yards north-east thereof;

Improvement No. 8 (Abbeydale Road South)—

A widening of Abbeydale Road South on the west side thereof between a point 50 yards north of the centre of Limb Brook and a point 68 yards north-east of Abbeydale Park Rise and on the east side thereof between a point 42 yards north of the centre of Limb Brook and the north abutment of the bridge carrying the highway over the London Midland and Scottish Railway;

Improvement No. 9 (Carr Lane and Broad Lane to Portobello Street)—

A widening of Carr Lane on the north side thereof between Saint Thomas Street and Rockingham Street and a new street commencing at the junction of Abney Street with Broad Lane and terminating by a junction with Portobello Street at a point 37 yards west of the junction of Rockingham Street and Portobello Street;

Improvement No. 10 (Norfolk Street)—

A widening of Norfolk Street on the south-east side thereof between Howard Street and Flat Street;

Improvement No. 11 (Flat Street)—

A widening of Flat Street on the west side thereof between Sycamore Street and Norfolk Street.

27. Notwithstanding anything in this Act the Corporation may purchase and acquire an easement or right of constructing maintaining and using in accordance with the provisions of this Act Improvement

Easement for constructing Improvement No. 4.

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PART III.
—cont.

No. 4 in and over the bed and banks of the river Sheaf without the Corporation being obliged or compellable to purchase any greater interest in or over the same respectively and they may give notice to treat in respect of any such easement or right describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easement or right as fully as if the same were lands within the meaning of those Acts.

Limits of
deviation
for street
improve-
ments.

28. The Corporation in making the street improvements may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet either upwards or downwards Provided that in the construction of the street improvements where the same traverse the lands numbered 89 to 93 inclusive and 185 to 187 inclusive on the deposited plans the Corporation shall not deviate vertically from the levels shown on the deposited sections except with the consent of the Earl Fitzwilliam's Wentworth Estates Company Limited.

Carriage-
ways
footways
sewers and
other
works.

29. Subject to the provisions of this Act the Corporation may cause such parts of the street improvements to be laid out for carriageway and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act for the purposes of street improvements and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of or in connection with the street improvements.

For pro-
tection of
London
Midland and
Scottish
Railway
Company.

30. Notwithstanding anything in this Act or shown on the deposited plans and sections the following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter in this section referred to as "the railway company") shall unless otherwise agreed in writing apply and have

effect with respect to the exercise by the Corporation of the powers conferred upon the Corporation by this Act (that is to say):—

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—
PART III.

—cont.

(1) (a) In constructing renewing or maintaining Improvement No. 8 by this Act authorised the Corporation shall not without the previous consent in writing of the railway company enter upon take or use any property of the railway company adjoining the bridge carrying Abbeydale Road over the railway of the railway company nor carry out any work which might injuriously affect the said bridge or the railway or any property of the railway company;

(b) In constructing the portion of the said Improvement No. 8 opposite to the approach to the Dore and Topley station of the railway company the Corporation shall to the reasonable satisfaction of the railway company and according to plans to be previously submitted to and approved by the engineer of the railway company carry out any necessary regrading to such approach road and construct such other works or alterations as the railway company may reasonably require with respect to their property in consequence of the construction of the said Improvement No. 8 including alterations to fences and gates and gas and water services:

Provided that if within twenty-one days from the submission of such plans the engineer of the railway company does not signify to the Corporation his disapproval thereof and his requirements in regard thereto he shall be deemed to have approved thereof:

(2) The Corporation shall make compensation to the railway company for all damage to the railways works and property of the railway company and for loss due to interruption to or interference with the traffic on the railway caused by the construction of the said Improvement No. 8 or the subsequent repair or maintenance thereof and the Corporation shall indemnify the railway company against all damages or compensation which may be recovered from

A.D. 1937.

PART III.

—cont.

them by any person by reason of such construction repair maintenance interruption or interference :

(3) The Corporation shall maintain reasonable access to the station of the railway company during the construction repair or maintenance of the said Improvement No. 8 :

(4) (a) So much of Tramway No. 5 by this Act authorised as is situate upon the bridge carrying Retford Road over the river Rother which bridge is partly maintainable by the railway company shall be constructed in accordance with plans and specifications to be reasonably approved by the engineer to the railway company :

Provided that if within twenty-one days from the submission of such plans and specifications the engineer of the railway company does not signify to the Corporation his disapproval thereof he shall be deemed to have approved thereof;

(b) Any additional cost incurred by the railway company in the maintenance of the said bridge which is due to the construction of the tramway and the running of tramway vehicles thereover shall be repaid to the railway company by the Corporation :

(5) Any question or difference which may arise between the Corporation and the railway company under this section shall be referred to and determined by an arbitrator.

Stopping up
of certain
streets &c.

31. The Corporation may stop up and discontinue as public streets thoroughfares and public places the whole or any part of—

(a) the streets thoroughfares and public places in the city known as Pool Square Rodgers Lane Bala Street St. Thomas Street Newcastle Street St. Thomas Lane Boden Lane Creswick Walk Milk Street Cadman Lane and Eyre Lane; and

[1 EDW. 8. &
1 GEO. 6.]

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Corporation Act, 1937.

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(b) so much of the street known as Surrey Lane as is situate between Eyre Street and Arundel Street;

A.D. 1937.

—
PART III.
—cont.

and on the stopping up of the same all rights of way thereover shall be extinguished and the site and soil thereof shall vest in the Corporation.

32. Notwithstanding anything in this Act the following provision for the protection and benefit of the Grand Hotel Sheffield (1909) Limited and the Grand Assembly Rooms Limited (in this section referred to as "the companies") shall unless otherwise agreed in writing between the companies and the Corporation apply and have effect (that is to say):—

For protection of Grand Hotel Sheffield (1909) Limited and Grand Assembly Rooms Limited.

The Corporation shall not stop up or discontinue as a public street thoroughfare or public place the portion of Pool Square coloured yellow and brown on a plan signed by Ernest Basil Gibson on behalf of the Corporation and by Cyril Aubrey Nicholson and Hubert Cecil Nicholson on behalf of the companies.

33. Notwithstanding anything in this Act the following provision for the protection and benefit of the Sheffield and District Cinematograph Theatres Limited (in this section referred to as "the company") shall unless otherwise agreed in writing between the company and the Corporation apply and have effect (that is to say):—

For protection of Sheffield and District Cinematograph Theatres Limited.

The Corporation shall not stop up or discontinue as a public street thoroughfare or public place the portion of Pool Square coloured yellow on a plan signed by Ernest Basil Gibson on behalf of the Corporation and by Donald Dudley Craig on behalf of the company.

34. Notwithstanding anything in this Act the following provisions for the protection of the Sheffield Town Trustees or other the owner or owners for the time being of the lands adjoining Pool Square on the east side thereof (which trustees and owner or owners are in this section referred to as "the trustees") shall unless otherwise agreed in writing between the

For protection of Sheffield Town Trustees.

A.D. 1937. Corporation and the trustees apply and have effect (that is to say) :—

PART III.
—cont.

- (1) The Corporation shall not stop up or discontinue as a public street thoroughfare or public place so much of Pool Square as is coloured yellow and brown on the plan signed in duplicate by Ernest Basil Gibson on behalf of the Corporation and by Henry Reginald Vickers on behalf of the trustees and hereinafter in this section referred to as “the signed plan” :
- (2) The Corporation shall forthwith make up as carriageway and footway of the respective dimensions marked on the signed plan the portion of Pool Square coloured yellow on the signed plan as aforesaid and shall at all times after such making up maintain and repair the said carriageway and footway in like manner as highways in the city repairable by the inhabitants at large are maintainable and repairable by them :
- (3) Nothing in this Act or done thereunder shall relieve the Corporation from the obligation to maintain and repair the existing water main and sewer under the portions of Pool Square coloured yellow and hatched pink respectively on the signed plan in the positions indicated by green lines on that plan or affect the rights of the trustees to the use of such existing water main and sewer.

PART IV.

TRAMWAYS &C.

Power to
construct
tramways.

35. Subject to the provisions of this Act the Corporation may make form lay down renew work use and maintain in the lines and according to the levels shown on the deposited plans and sections the tramways hereinafter described with all proper rails plates works sidings and conveniences connected therewith or necessary for the purposes thereof and may take up remove and alter the position of any existing

[1 EDW. 8. &
1 GEO. 6.]

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Corporation Act, 1937.

[Ch. xxxi.]

tramway of the Corporation and the rails and other works connected therewith which may be necessary for the purpose of laying down the tramways (that is to say) :—

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—
PART IV.
—cont.

In the city—

Tramway No. 2 (single line 2 furlongs 5·9 chains in length) Commencing in Mowbray Street by a junction with the existing tramway therein at a point 14 yards north-west of the point of intersection of the centre lines of Mowbray Street and Malthouse Lane passing thence into Harvest Lane and Burton Road and terminating in Neepsend Lane at a point 11 yards north of the point of intersection of the centre lines of Rutland Road and Burton Road;

Tramway No. 3 (single line 1 furlong in length) Commencing in Nursery Street by a junction with the existing tramway therein at a point 55 yards north-west of the point of intersection of the centre lines of Wicker Lane and Nursery Street passing along Nursery Street and terminating therein at a point 31 yards south-east of the point of intersection of the centre lines of Spitalfields and Nursery Street;

Tramway No. 4 (double line 5 furlongs 1·7 chains in length) Commencing in Halifax Road by a junction with the existing tramway at its terminus passing along Halifax Road and terminating therein at the city boundary.

In the city and the parish of Orgreave in the rural district of Rotherham—

Tramway No. 5 (double line 3 furlongs 8·7 chains in length) Commencing in Retford Road by a junction with Tramway No. 4 authorised by the Sheffield Corporation Tramways Order 1935 at a point opposite the east corner of Horsewood Road passing along Retford Road and terminating therein at the city boundary at a point 133 yards east of the east side of Coalbrook Crescent :

A.D. 1937.

—
PART IV.
—cont.

Provided that notwithstanding anything shown on the deposited plans no portion of Tramways Nos. 3 4 and 5 shall except with the approval of the Minister of Transport be constructed in such a position that a space of less than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the tramway.

Extension
of time
for con-
struction of
Tramways
Nos. 1 2
and 4
authorised
by Order
of 1935.

36. The time now limited for the completion of Tramways Nos. 1 2 and 4 described in section 5 (Construction of tramways) of the Sheffield Corporation Tramways Order 1935 is hereby extended for a period expiring on the first day of October one thousand nine hundred and forty-four. If the said tramways be not completed within the said period then at the expiration of that period the powers granted to the Corporation for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Tramways
to form
part of
tramways
under-
taking.

37.—(1) Subject to the provisions of this Act the tramways shall for all purposes form part of “the Corporation tramways” and “the tramways undertaking” within the meaning of the Act of 1918 and the provisions of that Act (as amended by the Act of 1928) shall so far as applicable apply to and in respect of the tramways as if they had been described in Part III of the Second Schedule thereto.

(2) The provisions of section 93 (Mode of construction to be approved by Minister of Transport) of the Act of 1928 shall extend and apply to and in relation to the tramways as if the said section were set out in this Act.

Certification
by Minister
of Transport.

38. No part of the tramways shall be opened for public traffic until it has been certified to be fit for such traffic by the Minister of Transport.

Period for
completion
of tram-
ways.

39. The tramways shall be completed within the period expiring on the first day of October one thousand nine hundred and forty-four and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

[1 EDW. 8. &
1 GEO. 6.]

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[Ch. xxxi.]

40. The Corporation may purchase by agreement take on lease or appropriate and may hold lands and buildings and may erect or adapt on any lands so purchased taken on lease or appropriated tramcar omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of such tramcars and omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

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PART IV.
—cont.

Power to
provide
depots &c.
for tramcars
and
omnibuses.

PART V.

ELECTRICITY.

41.—(1) The Corporation may be authorised to purchase land within the electricity limits compulsorily for the purpose of the erection thereon in pursuance of the powers of the Acts and Orders relating to the electricity undertaking of a station for transforming converting or distributing electricity by means of an order made by the Corporation and submitted to the Minister of Transport and confirmed by him in accordance with the provisions (so far as they are applicable) of sections 161 162 and 174 and paragraphs (a) (b) and (c) of section 179 of the Act of 1933 and of the Sixth Schedule to that Act and the provisions of those sections and that schedule with any necessary modifications shall have effect for the purposes of this section with the substitution of the Minister of Transport for the Minister :

Acquisition
of land
for sub-
stations.

Provided that anything which has to be prescribed shall be prescribed by the Minister of Transport in such manner as he may think fit.

(2) Nothing in this section or in any order made thereunder shall authorise the compulsory acquisition of any land which at the date of the order forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house or which forms part of any premises occupied as a factory or workshop to which the Factory and Work-
shop Act 1901 applies or which has been acquired at the date of the order for the purpose of any such factory or workshop or which at that date forms part

1 Edw. 7.
c. 22.

A.D. 1937.

PART V.

—cont.

10 & 11

Geo. 5. c. 80.

of any land which is in use as an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

(3) If an order is made under this section for the purchase of land which any person has specific statutory power to acquire compulsorily such person shall be entitled to make objection to the Minister of Transport to the confirmation of such order and any such objection if duly made shall for the purpose of the said section 161 as applied by this section be deemed to have been made by a person upon whom notice is required to be served.

As to breaking up streets not repairable by local authority.
45 & 46 Vict. c. 58.
62 & 63 Vict. c. 19.

Corporation may acquire offices and showrooms in connection with electricity undertaking.

42. For the purposes of section 13 of the Electric Lighting Act 1882 and section 12 of the schedule to the Electric Lighting (Clauses) Act 1899 in the application of those sections to the electricity limits a county council shall be deemed to be a local authority.

43.—(1) The Corporation may in connection with the electricity undertaking acquire erect provide and maintain offices showrooms and shops with all necessary accessories and conveniences and such offices showrooms and shops and the acquisition erection provision and maintenance thereof shall be and form part of the said undertaking.

(2) The powers conferred upon the Corporation by section 10 of the Electric Lighting Act 1882 shall be deemed to include power to acquire by agreement such buildings and lands as may be required by the Corporation for the purposes of this section.

PART VI.

STREETS AND BUILDINGS.

Power to stop up highways where unnecessary.

44.—(1) If a representation is made to the Corporation by any of the owners lessees or occupiers of buildings or lands abutting on a cul-de-sac or other highway in the city that it is desired to extend or erect a building over or on the site of the highway the Corporation if satisfied that the retention of the highway is unnecessary and that all the owners lessees and

[1 EDW. 8. &
1 GEO. 6.]

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occupiers of all buildings and lands abutting on the highway consent may by order stop up the cul-de-sac or highway wholly or partially on such terms as to the vesting of the soil and other matters as may be agreed upon between the Corporation and the owners lessees and occupiers of the buildings and lands abutting on the cul-de-sac or highway and on any cul-de-sac or highway being so stopped up all public and other rights of way in over or upon the same shall be absolutely extinguished :

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PART VI.
—cont.

Provided that fourteen days before making any order under this subsection the Corporation shall give notice to the Minister of Transport of their intention to make such order and of the proposals to be contained therein :

Provided further that nothing in this section shall authorise the Corporation to stop up wholly or partially any highway giving access to or exit from any station or depot belonging to a railway company and used by them for the purposes of their undertaking.

(2) For twenty-eight consecutive days after the making of each such order the Corporation shall post and keep posted a copy of such order in conspicuous places in the cul-de-sac or highway or the part of the cul-de-sac or highway thereby ordered to be stopped up and shall also during the first ten days of that period publish such order twice at least in some newspaper or newspapers published in the city.

(3) On the completion of such posting and publication the order so advertised shall become absolute unless any person thinking himself aggrieved thereby shall previously have given to the town clerk notice in writing of his intention to appeal against such order to the next quarter sessions for the city which shall be held after the expiration of one month from the first posting of the order and thereupon such quarter sessions shall hear the appeal and confirm or annul the order and may determine by which of the parties the costs of the appeal are to be paid.

(4) Notice of the right to appeal shall be endorsed on the copy of every order of the Corporation posted and published under this section.

A.D. 1937.

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PART VI.
—cont.5 & 6 Will. 4
c. 50.No buildings
to be erected
until street
formed.38 & 39 Vict.
c. 55.55 & 56 Vict.
c. 57.As to
neglected
sites.

(5) In any case in which the Corporation fail to agree with all the owners lessees and occupiers of the buildings and lands abutting on a cul-de-sac or highway which the Corporation propose to stop up under the provisions of this section the procedure prescribed by the Highway Act 1835 shall be observed as if this section had not been enacted.

45.—(1) It shall not be lawful for any person except with the consent of the Corporation to erect or build or begin to erect or build any new building abutting upon any new street or part of a new street unless the Corporation shall have previously approved of the level and available width of such new street or part of a new street nor until the carriageway and footway of such new street or part of a new street shall have been formed in accordance with the byelaws for the time being in force with respect to new streets. Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Corporation shall not be empowered to require such new street to be constructed in its entire length by one operation but such new street may be constructed in parts and in such event nothing in this section shall prevent the erection of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with. Provided also that the execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892.

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

(3) The provisions of this section shall not apply to any building (not being a dwelling-house) erected or built by a railway company for the purposes of their railway undertaking.

46.—(1) In this section—

“neglected site” means the site of a demolished building in the city which is in such a condition as to be prejudicial to the property in or the inhabitants of the neighbourhood;

“owner” in relation to a neglected site means a person other than a mortgagee not in possession who is for the time being entitled to dispose of the fee simple of the neglected site whether in possession or in reversion and includes also a person holding or entitled to the rents and profits of the neglected site under a lease or agreement the unexpired term whereof exceeds three years.

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PART VI.
—cont.

(2) A court of summary jurisdiction on complaint by the Corporation may order the owner of any neglected site to remove any rubbish resulting from the demolition of the building within a reasonable time to be fixed by the order.

(3) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon such ground as aforesaid and execute the order.

(4) All expenses incurred by the Corporation under subsection (3) of this section in relation to a neglected site may be recovered by the Corporation from the owner of the neglected site in a summary manner.

47.—(1) The owner of every tenement building shall—

Lighting of
staircases of
tenement
buildings.

(a) wherever practicable provide every common staircase in that building with adequate means of lighting by natural light including (in the case of a building constructed or reconstructed after the passing of this Act) a window or windows or opening or openings on the staircase at each storey opening directly into the external air; and

(b) provide adequate means for the artificial lighting of every common staircase in that building and keep such means efficient and lighted daily from one-half hour after sunset until one-half hour before sunrise or in accordance with the lighting schedule for public street lamps in force for the time being within the city:

Provided that in the case of a common staircase leading to not more than two separate or self-contained

A.D. 1937.
—
PART VI.
—cont.

flats or tenements in a two-storey tenement building the owner of such building shall not be required to light or keep lighted such means for artificial lighting as aforesaid For the purposes of this subsection the expression "means" in relation to artificial lighting includes electricity gas or other illuminating agency.

(2) Every person who fails to comply with any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Any officer of the Corporation may at all reasonable times enter and inspect any tenement building in order to ascertain whether the provisions of this section have been or are being complied with and if any person refuses to permit any such officer to enter and inspect the tenement building or obstructs him in the execution of his duty under this section such person shall be liable to a penalty not exceeding five pounds.

(4) For the purposes of this section—

(a) "Tenement building" means a building constructed or reconstructed by way of conversion so as to comprise two or more separate or self-contained flats or tenements intended or used for occupation by the working classes;

(b) "Owner" means the person for the time being receiving the rack rents of the flats and tenements comprised in the tenement building whether on his own account or as agent or trustee for any other person or who would receive the same if the flats or tenements were let at rack rents;

(c) "Staircase" includes a landing or passage.

(5) Notwithstanding anything contained in this section an agent receiving the rack rent of any flat or tenement for any other person shall not incur any personal liability for the payment of any moneys which may become payable in pursuance of any notice or requirement of the Corporation which may be served upon him in respect of such flat or tenement if he shall within seven days after such service or such longer

[1 EDW. 8. &
1 GEO. 6.]

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time as may be allowed by the Corporation give to the Corporation full information as to the name and address of the person for whom he acts as agent and any such notice or requirement shall contain an intimation to this effect.

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PART VI.
—cont.

48. Section 146 (Elevations of buildings) of the Act of 1928 shall be read and have effect as if the words "in any street" were omitted from subsection (1) of the section.

Amend-
ment of
section 146
of Act of
1928.

PART VII.

SEWERS AND DRAINS.

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

Apportion-
ment to
frontagers
of expenses
of sewer
constructed
under
public
highway.

(2) Such resolution as aforesaid shall become operative when but not until notice thereof is published in a local newspaper circulating in the city. Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

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

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

Apportion-
ment to
frontagers
of expenses
of con-
struction

A.D. 1937.
—
PART VII.
—cont.
of sewer
before land
became a
street.

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

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

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

Provisions
applicable
to the
last two
preceding
sections.

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

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

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

[1 EDW. 8. &
1 GEO. 6.]

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

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PART VII.
—cont.

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

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

For the purposes of this subsection—

(a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date ;

(b) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

25 & 26
Geo. 5. c. 47.

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

15 & 16
Geo. 5. c. 22.

A.D. 1937.
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PART VII.
—cont.

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

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

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

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein and the following provisions of the Public Health Act 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Subsections (2) to (4) of section 291;

Subsection (2) of section 293;

Section 329.

[1 EDW. 8. &
1 GEO. 6.]

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Corporation Act, 1937.

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

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PART VII.
—cont.
As to
defective
drains &c.

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

PART VIII.

SANITARY PROVISIONS.

53.—(1) The Corporation may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the city and intended for human food from being used for human food or being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation and for requiring any such meat or carcase to be taken for inspection to the abattoir of the Corporation or to such place as may be specified in the byelaws.

Byelaws
as to
inspection
of meat.

(2) No byelaws made by the Corporation under subsection (1) of this section shall apply to meat or any part of the carcase of an animal which shall have been marked pursuant to Part III of the Public Health Meat Regulations 1924 or to which the Public Health (Imported Food) Regulations 1925 and 1933 apply.

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PART VIII.
—cont.

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughterhouse which is situate outside the city but within a circle having a radius of twenty miles from the town hall of the city for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the city.

(4) Before making any such byelaws the Corporation shall give not less than one month's notice to the City of Sheffield Butchers' Association Limited the Sheffield Wholesale Meat Traders Limited the City of Sheffield Pork Butchers' Association and the Food Manufacturers' Federation Incorporated of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said bodies thereon before they submit them to the Minister for confirmation and such bodies shall be entitled to make representations to the Minister with regard thereto.

(5) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1935 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

(6) As from the date of the coming into force of any byelaws made in pursuance of this section any existing byelaws dealing with the same subject-matter made in pursuance of section 183 (Byelaws as to inspection of meat) of the Act of 1928 shall cease to operate.

Registra-
tion of
premises
used in
connection
with sale of
ice cream or
preserved
food.

54.—(1) No premises within the city shall be used for any of the following purposes (that is to say):—

- (a) the sale or the manufacture for purposes of sale of any commodity consisting of ice cream or any substance similar thereto or the storage of any such commodity intended for sale; or
- (b) the preparation or manufacture of sausages or potted pressed pickled or preserved meat fish or other food intended for sale;

unless the premises are registered under this section for that purpose by the Corporation.

(2) If any person uses any premises in contravention of this section he shall be guilty of an offence and liable to a fine not exceeding forty shillings and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

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PART VIII.
—cont.

(3) Every application for the registration of premises under this section shall be made by the owner or occupier of the premises or by the person intending to occupy them.

(4) If the Corporation are satisfied that any premises are unsuitable for use for any purpose for which they have been registered under this section or for which application for registration has been made under this section the Corporation may serve upon—

(a) the occupier for the time being of the premises or the person on whose application they were registered; or

(b) the person applying for registration;

as the case may be a notice requiring him to appear before them on such day not being earlier than seven days after the date of the notice as may be specified therein in order to show cause why the Corporation should not for the reasons specified in the notice cancel the registration of the premises for the said purpose or refuse the application and if that person fails to show cause to the satisfaction of the Corporation why they should not do so the Corporation may cancel the registration of the premises for that purpose or refuse the application. Any such notice shall state the effect of the two next succeeding subsections.

(5) If the Corporation cancel the registration or refuse the application they shall if required by such occupier or person as aforesaid deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such cancellation or refusal is based.

(6) Any person appealing (under the section of this Act of which the marginal note is "As to appeals") against any decision of the Corporation under this section shall do so within fourteen days after the date of such decision.

A.D. 1937.

PART VIII.
—cont.

(7) 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 any premises in the city to which he has reasonable cause to believe that the provisions of this section apply for the purpose of ascertaining—

- (a) whether there is occurring therein any contravention of the said provisions; or
- (b) in the case of premises which have been registered by the Corporation under this section for any of the purposes specified in subsection (1) thereof or in respect of which application for such registration for any of those purposes has been made to them whether the premises are suitable for that purpose or any of the purposes specified in subsection (1) of this section :

Provided that in exercising the powers conferred on them by this section at any premises owned or used by a railway company the Corporation shall conform to such reasonable requirements of the company as are necessary to prevent obstruction to or interference with the working of the traffic of the railway thereat and the railway company shall not be liable for any accident or injury happening to any officer servant or agent of the Corporation upon any lines of rails belonging to the company or upon any land immediately adjoining any such lines of rails.

(8) For the purpose of this section the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(9) In relation to any premises used as a theatre or music hall this section shall have effect as if in paragraph (a) of subsection (1) of this section the words “ the sale or ” and the words “ or the storage of any such commodity intended for sale ” were omitted therefrom.

(10) This section shall not apply in relation to any premises used as a club hotel restaurant or cinematograph theatre.

(11) On the coming into operation of this section section 186 (Registration of premises used for manufacture of potted meats and ice cream) of the Act

[1 EDW. 8. &
1 GEO. 6.]

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of 1928 shall be repealed but any premises registered under that section shall be deemed to have been registered under this section.

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PART VIII.
—cont.

55.—(1) No dealer shall sell or expose for sale any second-hand furniture mattress bed-linen or similar articles if the same are to his knowledge infested with bed bugs or if by taking reasonable precautions he could have known the same to be so infested.

Prohibition
of sale of
verminous
furniture
&c.

(2) A dealer offending against the provisions of this section shall be liable to a penalty not exceeding five pounds.

(3) (a) Any officer of or other person duly authorised by the Corporation in that behalf may enter any premises in which second-hand furniture mattresses bed-linen or similar articles are sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section.

(b) Every person who refuses to permit any officer or authorised representative of the Corporation to enter any premises or make any inspection which such officer or authorised representative is authorised under the provisions of this section to enter or make or obstructs any such officer or representative in the execution of his duty under such provisions shall be liable to a penalty not exceeding five pounds.

(4) In and for the purposes of this section "dealer" means any person (other than a pawnbroker) who trades or deals in any of the articles referred to in this section.

56. Section 154 (Conversion of existing accommodation into waterclosets) of the Act of 1928 shall be read and have effect as if the words "and until the recovery of such expenses the same shall be a charge on the building in respect of which they were incurred" were inserted after the words "in so doing" in subsection (2) of the section and as if the following paragraph were inserted at the end of the section :—

Amend-
ment of
section 154
of Act of
1928.

"(5) The Corporation shall for the purposes of enforcing a charge under this section have all the same powers and remedies under the

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PART VIII.

—cont.

15 & 16

Geo. 5. c. 20.

Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease of accepting surrenders of leases and of appointing a receiver.”

PART IX.

POLICE PROVISIONS.

Personation
of police
constables.

57. Any person not being a member of a police force who—

- (1) falsely and deceitfully personates or pretends to be a member of a police force; or
- (2) without lawful authority assumes the name designation character or function of a member of a police force; or
- (3) without lawful authority wears or has in his possession any article being part of the clothing accoutrements or appointments supplied to members of a police force or any articles having the appearance or bearing the distinctive marks thereof and who is not able satisfactorily to account for his possession of the same;

shall be liable on summary conviction to a fine not exceeding ten pounds :

Provided that this section shall not be deemed to prevent persons from wearing any uniform or dress in the course of a stage play or music hall or circus performance.

Recovery of
penalties
under
section 28 of
Town Police
Clauses Act
1847.

38 & 39 Vict.
c. 55.

10 & 11 Vict.
c. 89.

Places used
for wrestling
entertain-
ments to be
licensed.

53 & 54 Vict.
c. 59.

58. Notwithstanding anything contained in section 253 of the Public Health Act 1875 proceedings for the recovery of a penalty under section 28 of the Town Police Clauses Act 1847 may be had or taken by the chief constable of the city or any member of the police force of the city authorised by him for the purpose.

59.—(1) As from the coming into operation of this section the provisions of Part IV of the Public Health Acts Amendment Act 1890 shall in its application to the city extend to any place kept or used for any wrestling entertainment as though such entertainment were of the like kind with public dancing and music.

[1 EDW. 8. &
1 GEO. 6.]

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(2) For the purposes of this section "wrestling entertainment" means any public contest or display of wrestling except such as may be provided or given—

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—
PART IX.
—cont.

(a) by travelling showmen at pleasure fairs;

(b) in premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under the said Act are complied with as though such contest or display were a stage play;

6 & 7 Vict.
c. 68.

(c) by bona fide associations clubs hospitals or societies which are not carried on for profit;

(d) by members of the Boy Scouts Association or of any organisation constituted by the Boy Scouts Association in pursuance of their charter; or

(e) by any school.

60.—(1) The chief constable of the city upon the receipt of any notice given to him pursuant to section 210 (Notices of processions to be given) of the Act of 1928 as to the route proposed to be taken by a procession may in any case in which he has reason to believe the procession will give rise to obstruction or congestion of traffic on the proposed route or any part thereof by notice addressed to the person or persons by whom such first mentioned notice is given direct the route to be taken by such procession.

Routes to
be taken
by public
processions.

(2) If any such procession passes through any street or part of a street otherwise than in accordance with any direction given by the chief constable under subsection (1) of this section the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

61. Section 215 (As to holding of pleasure fairs) of the Act of 1928 shall be read and have effect as if the words "five weeks" and "one month" respectively were substituted for the words "one month" and "seven days" in subsection (2) of the section.

Amend-
ment of
section 215
of Act of
1928.

A.D. 1937.

PART X.

SUPERANNUATION.

Annuities
for widows.

62.—(1) If within one month before any date on which a person would if he resigned or otherwise ceased to hold his office or employment become entitled to a superannuation allowance under paragraph (b) or paragraph (c) of subsection (1) of section 6 of the Act of 1922 he gives notice in writing to the treasurer requiring that the provisions of this section shall apply to him and to any wife to whom he is married on the date on which he becomes entitled to a superannuation allowance or (if he dies before resigning or otherwise ceasing to hold office or employment but would had he resigned or otherwise so ceased immediately prior to his death have been entitled to a superannuation allowance) to any wife to whom he is married at the date of his death then unless the Corporation (being of opinion that the state of health of such person is not reasonably satisfactory having regard to his age) notify him or his legal personal representative within one month after the receipt of the notice that they do not intend to comply with his requirement the following provisions shall have effect:—

(a) The amount of every payment in respect of the superannuation allowance payable to such person (in this section called “the retired officer”) shall be reduced by eleven per centum and if his wife is younger than the retired officer the amount of every such payment shall be further reduced by an amount ascertained as follows:—

(i) where the case falls within the table set out in the First Schedule to this Act calculated in accordance with that table; and

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

(b) If the wife of the retired officer in respect of whom the said notice was given survives him and does not cease before the date of his death

[1 EDW. 8. &
1 GEO. 6.]

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Corporation Act, 1937.

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to be his wife she shall be entitled after his death to receive for life an annuity equal to one-third of the annual amount of his superannuation allowance calculated as if it had not been reduced as aforesaid.

A.D. 1937.

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PART X.
—cont.

(2) An annuity or superannuation allowance under this section shall be payable out of the superannuation fund Provided that if the superannuation allowance of the officer or servant was by reason of the proviso to subsection (1) of section 16 of the Act of 1922 not payable wholly out of the superannuation fund such proportion only of the superannuation allowance and the annuity shall be paid out of the superannuation fund as corresponds to the portion of the said superannuation allowance which was so payable and the balance shall be paid out of the general rate fund.

(3) If the retired officer shall die before he would have been entitled to receive by way of superannuation allowance if he had not given notice under this section an amount in the aggregate equal to the amount of his contributions to the superannuation fund with compound interest thereon at three per centum per annum calculated by half-yearly rests the Corporation shall pay to his legal personal representative the difference between the amount which the retired officer would have been entitled to receive as aforesaid and the sum to which his contributions to such fund with such compound interest thereon at the rate and calculated as aforesaid amounted at the date of his retirement.

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

(5) A notice under this section may be given in respect either of the whole or of a specified part of an allowance and where it is given in respect of a specified part only of an allowance references in this section to the superannuation allowance shall be construed as references to such specified part of the superannuation allowance.

(6) In cases where the superannuation allowance of a retired officer would if he had not given notice under subsection (1) of this section exceed the sum of one thousand pounds per annum the provisions

A.D. 1937. of this section shall apply only to that sum and the
balance of his superannuation allowance shall be paid
to him as if he had not given such notice.

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PART X.
—cont.

(7) The provisions of this section shall also apply to any officer or servant who prior to the passing of this Act but on or after the first day of July one thousand nine hundred and thirty retired with a superannuation allowance and who (a) within one month after the passing of this Act shall give notice in writing to the treasurer to the effect set forth in subsection (1) of this section and (b) agrees to pay such sum as the treasurer may certify to be equivalent to the sums by which such officer's or servant's superannuation allowance would have been reduced if the provisions of this section had been applicable to him at the date of his retirement together with compound interest on such sums at the rate of four pounds per centum per annum.

(8) The Minister may on application made by the Corporation by order alter as respects officers or servants giving notice under subsection (1) of this section after the date of the order any of the reductions and diminutions referred to in paragraph (a) of that subsection and in the table set out in the First Schedule to this Act so far as may be necessary to secure that the benefits provided by this section for officers or servants and their wives shall be actuarially equivalent to the benefits to which such officers or servants would have been entitled if they had not given such notice as aforesaid.

Super-
annuation
of regis-
tration
officers.
59 & 60 Vict.
c. 50.

63.—(1) For the purposes of this section—

“the Act of 1896” means the Poor Law Officers’
Superannuation Act 1896;

“the 1935 scheme” means the scheme made
by the Corporation under section 24 of the
Act of 1929 and approved by the Minister
on the eleventh day of March one thousand
nine hundred and thirty-five;

“the new fund” means the superannuation
fund established by the Corporation under
section 18 of the Act of 1922;

“the former fund” means the superannuation
fund established by the Corporation under
the 1935 scheme;

[1 EDW. 8. &
1 GEO. 6.]

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“ registration officer ” means a superintendent registrar a deputy superintendent registrar or a registrar of births and deaths including a registrar exercising any of the functions of registrars of marriages for a district or sub-district in relation to which registration functions are discharged by the Corporation.

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PART X.
—cont.

(2) Every person appointed on or after the first day of April one thousand nine hundred and thirty-five as a registration officer in the city shall be deemed for the purposes of the Act of 1922 in respect of that appointment to be and if his appointment took effect before the passing of this Act as from the date on which his appointment took effect to have been an officer or servant of the Corporation.

(3) Every person appointed on or after the first day of April one thousand nine hundred and thirty-five as a registration officer in the city (not being a person to whom by virtue of section 124 of the Act of 1929 or of that section and section 122 of that Act the provisions of the Act of 1896 as modified by and in pursuance of the Act of 1929 apply) shall be deemed to occupy and if his appointment took effect before the passing of this Act as from the date on which his appointment took effect to have occupied a post designated as from his appointment as an established post for the purposes of the Act of 1922.

(4) As from the passing of this Act the money standing to the credit of the former fund shall be credited to and form part of the new fund and any securities representing the whole or part of the former fund shall be deemed to be securities forming part of the new fund.

64. Words and expressions to which meanings are assigned by the Act of 1922 have in and for the purposes of this Part of this Act the same respective meanings unless there is something in the subject or context repugnant to such construction.

Meaning of expressions in Part X.

PART XI.

FINANCE AND RATES.

65. The Corporation shall have power in addition and without prejudice to their powers of borrowing Power to borrow.

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PART XI.
—cont.

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 of the said table :—

1	2	3
Purpose.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(a) For the purchase of lands and buildings for the purposes of this Act.	£ 837,254	Sixty years.
(b) For the construction of the street improvements authorised by this Act and the works incidental thereto.	144,542	Thirty years.
(c) For the construction and equipment of the tramways authorised by this Act.	33,435	Twenty years.
(d) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

Modes of
raising
money.

66. In addition to the modes in which money may be raised under section 196 of the Act of 1933 the Corporation may raise any money which they are authorised to borrow under any statutory borrowing power by the issue of stock under and subject to the provisions of Part XX of the Act of 1918.

Closing of
registers.

67.—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) or of annuities during the whole of the period of thirty days or any shorter period next before the date on which interest on the authorised securities or annuities to which such transfer book or register relates is payable.

(2) The persons who on the date on which the transfer book or register is closed are entered therein

as holders of any security or annuity of the class to which such transfer book or register relates shall be entitled to the interest or annuity next payable thereon.

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PART XI.
—cont.

68.—(1) The Corporation may establish a fund to be called “the capital reserve fund” for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the purchase acquisition leasing or holding of lands or buildings or in connection with the waterworks electricity tramways markets or abattoir undertakings of the Corporation or any other undertaking in respect of which the Corporation have for the time being provided a reserve fund) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Corporation such sums out of the general rate fund as the Corporation from time to time deem expedient:

Capital
reserve
fund.

Provided that—

- (a) any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating Act 1925;
- (b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of one hundred thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall be either invested in statutory securities or used in the manner provided by section 241 (Consolidated loans fund) and section 243 (Use of moneys forming part of sinking and other funds) of the Act of 1928.

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

A.D. 1937. an amount equivalent to such income shall be credited to the capital reserve fund.

PART XI.

—cont.

Insurance
fund.

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

- (a) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;
- (b) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power;
- (c) Risk of explosion in respect of boilers;
- (d) Risks under the common law the Employers’ Liability Act 1880 the Workmen’s Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;
- (e) Risks of injuries to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises provided or maintained by the Corporation;
- (f) Risks of mechanical or electrical breakdown at or in connection with any of the works of the Corporation;
- (g) Risks of loss due to infidelity of officers or servants of the Corporation;
- (h) Risk of damage to property of the Corporation by aircraft;

43 & 44 Vict.
c. 42.
15 & 16
Geo. 5. c. 84.

[1 EDW. 8. &
1 GEO. 6.]

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

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PART XI.
—cont.

(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 several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund such sum as shall in their opinion be reasonable having regard to the several risks for which the insurance fund is intended to provide and to the insurance (if any) or insurances effected by the Corporation in some insurance office or offices against the whole or any part of the said several risks.

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

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

(6) 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 of risks for which the fund is intended to provide insurance or are used in the manner authorised by section 241 (Use of moneys forming part of sinking and other funds) of the Act of 1928 all moneys for the time being standing to the credit of the insurance fund shall unless paid into the

A.D. 1937.

PART XI.

—cont.

consolidated loans fund established under section 243 (Consolidated loans fund) of the Act of 1928 be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of four hundred thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall 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) The amount carried to the credit of the insurance fund and any accretions to that fund shall be included within and shall form part of the general rate fund and shall remain subject to the provisions of section 34 (Receipts and expenses) of the Act of 1932.

(8) For the purposes of this section the Corporation may if they deem it expedient include in the risks to be covered by the insurance fund risks of accident to any person employed in any school college educational institute or hostel maintained by the Corporation notwithstanding that such school college institute or hostel has not been provided by the Corporation as the local education authority.

(9) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide insurance 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 making up of the deficiency shall for the purposes of the Act of 1933 be a purpose for which the Corporation may borrow. The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions

[1 EDW. 8. &
1 GEO. 6.]

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as the Minister may direct having regard to the risks through which such deficiencies arise.

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PART XI.
—cont.

(10) The money standing to the credit of any insurance fund of the Corporation existing at the date of the establishment of the insurance fund shall be credited to the insurance fund and any securities representing the whole or part of any such existing fund shall be deemed to be securities forming part of the insurance fund.

(11) As from the date of the establishment of the insurance fund section 477 (Fire insurance fund) and section 478 (Power to create accident fund) of the Act of 1918 shall be and are hereby repealed.

70. The provisions of section 241 (Consolidated loans fund) of the Act of 1928 shall be read and have effect as if the following subsections were inserted therein :—

Amend-
ment of
section 241
of Act of
1928.

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

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

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) Interest shall be paid to the lending fund on any moneys so used and for the

A.D. 1937.

PART XI.
—cont.

time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings.

- (8) Any scheme already approved or hereafter to be approved by the Minister under this section may be altered amended or revoked by a scheme approved in like manner and subject to the like provisions as the original scheme."

Amend-
ment of
section 32
of Act of
1932.

71. Section 32 (Water rate &c. may be collected with general rate) of the Act of 1932 shall be read and have effect as if the words "for the half-year commencing" were inserted after the word "advance" and as if the words "date of demand" were substituted for the words "said first day of April and first day of October respectively" in subsection (2) of the section.

Amend-
ment of
section 252
of Act of
1928.

72. Section 252 (Power to grant gratuities in certain cases) of the Act of 1928 shall be read and have effect as if the words "one-half" were inserted in the section in lieu of the words "one-third."

PART XII.

MISCELLANEOUS.

Power to
justices to
issue distress
warrants to
police
constables
and other
persons.
11 & 12 Vict.
c. 43.

73. Notwithstanding anything in section 19 of the Summary Jurisdiction Act 1848 or any other enactment a warrant of distress issued against any person or persons residing in the city for non-payment of any water gas or electricity rent rate or charge may in addition to being directed to a police constable or police constables be directed to any other person or persons whom the justice or justices granting the same may deem fit.

Power to
provide &c.
entertain-
ments.

74.—(1) The Corporation may use or allow to be used or let the Sheffield city hall or any other premises belonging to or acquired by them for suitable concerts entertainments exhibitions athletic meetings and amusements and may themselves provide or arrange for the provision of or contribute towards the expenses

[1 EDW. 8. &
1 GEO. 6.]

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of any such concerts entertainments exhibitions athletic meetings and amusements and may make or allow to be made such charges as they think fit in connection therewith :

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PART XII.
—cont.

Provided that—

- (a) the Corporation shall not themselves use any such premises for a cinematograph theatre nor shall they grant or let the use of any such buildings for the purposes of a theatre music hall or cinematograph theatre except on the best terms that can be obtained;
- (b) the power of the Corporation themselves to provide entertainments shall include a power to provide concerts and pierrot or other entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but save as aforesaid the Corporation shall not provide or arrange for the provision of stage plays performed by persons other than members of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainments as usually given at a music hall;
- (c) the net amount of the expenses incurred by the Corporation under this section when added to the net amount of the expenses incurred by them in the provision of entertainments under section 56 of the Public Health Act 1925 shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating Act 1925) which would be produced by a rate of one penny in the pound Provided that the limitation hereby imposed shall not apply in respect of any excess rate which may be approved by the Minister under the provisions of subsection (3) of section 56 of the Public Health Act 1925.

15 & 16
Geo. 5. c. 71.

A.D. 1937.

—
PART XII.
—cont.

(2) The Corporation may provide and sell or authorise the provision and sale of programmes of any concerts or entertainments given in pursuance of this section.

(3) The Corporation may make byelaws for securing good and orderly conduct during any concerts or entertainments given in pursuance of this section.

(4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition.

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

(6) Nothing in this section shall be taken to dispense with the consent of the Board of Education to any appropriation lease or other disposition of any lands of the Corporation in any case in which such consent would have been required if this section had not been passed.

Power to
sell books
pictures &c.

75.—(1) The Corporation may sell exchange or otherwise dispose of in such manner and on such terms and conditions as they may think fit any books pictures and museum specimens vested in and belonging to them.

(2) No power conferred upon the Corporation by this section shall be exercised in such a manner as to be at variance with any trust or condition subject to which any books pictures or museum specimens are held by the Corporation.

Charges for
lairage.
16 & 17
Geo. 5.
c. lv.

76. Notwithstanding anything in the Sheffield Order 1926 (in this section referred to as "the Order of 1926") the Corporation in respect of their abattoir undertaking may in addition to the sums chargeable

[1 EDW. 8. &
1 GEO. 6.]

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under the Order of 1926 charge any sums not exceeding those set forth in paragraph (b) of the schedule to the Order of 1926 in respect of any animal which shall be taken into that part of the said abattoir undertaking known as the lairage and shall at any time be removed therefrom alive.

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—
PART XII.
—cont.

77.—(1) In addition to the powers conferred by section 225 (Abattoirs and slaughter-houses) of the Act of 1918 the Corporation may purchase and acquire and convert utilise treat or otherwise make merchantable any condemned meat inedible offals blood and other residuals and by-products which may at any time be in any slaughter-house and abattoir provided by the Corporation under the powers of the said section 225.

Purchase
of certain
residuals
&c. and
disposal
thereof.

(2) Any product manufactured or obtained under the powers of this section may be sold or otherwise disposed of by the Corporation.

78. From and after the first day of January one thousand nine hundred and thirty-eight—

Provisions
as to
licences for
billiards
exhibitions
&c.
8 & 9 Vict.
c. 109.

(1) the powers of the justices acting for the city under section 10 of the Gaming Act 1845 may and shall be exercised by the city licensing committee instead of by the whole body of the justices :

(2) licences under the said section and under the Public Health Acts Amendment Act 1890 may be authenticated in manner provided by section 43 of the Licensing (Consolidation) Act 1910.

10 Edw. 7.
& 1 Geo. 5.
c. 24.

79.—(1) As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister.

Byelaws.

(2) Notwithstanding the provisions of any Act or Order relating to the procedure for the making of byelaws by the Corporation the provisions of section 250 of the Act of 1933 shall apply to all byelaws to be made by the Corporation in respect of the tramways undertaking and in the application of such last-mentioned provisions the Minister of Transport shall be the confirming authority.

A.D. 1937.

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PART XII.
—cont.
Commence-
ment of
certain
provisions
of Act.

80.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the Corporation of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the city. Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement. Provided that if the provision is one which requires the licensing of any premises the application for the licence may be made and determined before the provision comes into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to the section of this Act of which the marginal note is "Places used for wrestling entertainments to be licensed."

(4) As respects any of the said provisions which requires the licensing of premises used for any purpose it shall be lawful for any person who when such provision came into operation—

(a) was using any premises for any such purpose;
and

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

to continue 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 the section of this Act of which the marginal note is "As to appeals."

Restriction
on right to
prosecute.

81. Section 298 of the Public Health Act 1936 shall apply to offences created by or under this Act as if they were offences created by or under that Act except that the said section shall not apply to those created by or under the sections of this Act of which the marginal notes are "Personation of police constables" and "Routes to be taken by public processions."

[1 EDW. 8. &
1 GEO. 6.]

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PART XII.

—cont.

82. There may be included in one and the same demand complaint information or summons or in any schedule thereto any general rate or water rate or money due in respect of any general rate or water rate due and payable to the Corporation from the same person whether the same are or may be levied due payable or recoverable under the same or different enactments from time to time in force in the city.

Demand complaint information or summons may contain several sums.

83. The provisions of sections 287 and 288 of the Public Health Act 1936 shall extend and apply within the city to the purposes of Part VI (Streets and buildings) Part VII (Sewers and drains) and Part VIII (Sanitary provisions) of this Act as if those purposes had been mentioned in the said section 287.

Power to enter premises.

84. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part VI (Streets and buildings) Part VII (Sewers and drains) or Part VIII (Sanitary provisions) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the work required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Penalty on occupier refusing execution of Act.

85.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under the provisions of Part VI (Streets and buildings) Part VII (Sewers and drains) or Part VIII (Sanitary provisions) of this Act may except where otherwise expressly provided or where some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

As to appeals.

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—
PART XII.
—cont.

(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 the notice to the person concerned informing him of his right to a hearing before the Corporation 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 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) 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

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1 GEO. 6.]

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disposed of or withdrawn or fails for non-prosecution thereof. A.D. 1937.

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PART XII.
—cont.

(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.

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

87. Section 290 of the Act of 1933 shall apply to any inquiry which the Minister of Transport causes to be held under the provisions of this Act. Inquiries by Minister of Transport.

88. The following provisions so far as the same are applicable in that behalf shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those provisions were re-enacted in this Act (that is to say):— Application of existing enactments.

The Act of 1918—

Section 254 (Power to persons under disability to grant easements &c.);

Section 255 (As to private rights of way over lands taken compulsorily);

Section 264 (Power to make subsidiary works);

Section 265 (Alteration of position of mains and pipes);

Section 266 (Alteration of position of overhead wires &c.);

Section 267 (Temporary stoppage of streets);

Section 268 (As to materials excavated in executing works);

Section 269 (Land laid into streets to form part thereof);

Section 508 (Consent of Corporation to be in writing);

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PART XII.

—cont.

Section 512 (Corporation and persons acting in execution of Act not to be liable personally);

Section 514 (Compensation how to be determined);

Section 525 (Recovery of penalties &c.);

Section 526 (Damages and charges to be settled by court);

Section 528 (Saving for indictments &c.);

Section 529 (Recovery of demands);

Section 530 (Judges not disqualified); and

Section 531 (Powers of Act cumulative).

The Act of 1928—

Section 82 (Benefits to be set off against compensation); and

Section 83 (Power to enter upon property for survey and valuation).

The Act of 1932—

Section 14 (Underpinning of houses near works);

Section 15 (Owners may be required to sell parts only of certain properties);

Section 16 (Compensation in case of recently altered buildings);

Section 18 (Further powers of entry):

Provided that—

(a) in the application of section 15 (Owners may be required to sell parts only of certain properties) of the Act of 1932 the properties described in the Second Schedule to this Act shall be deemed to be referred to instead of the properties described in the schedule to that Act;

(b) in the application of section 16 (Compensation in case of recently altered buildings) of the Act of 1932 that section shall have effect

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1 GEO. 6.]

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as if the first day of November one thousand nine hundred and thirty-six were therein mentioned instead of the first day of November one thousand nine hundred and thirty-one.

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—
PART XII.
—cont.

89. The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in Parts VI (Streets and buildings) VII (Sewers and drains) and VIII (Sanitary provisions) of this Act and in terms made applicable thereto (that is to say):—

Application
of Public
Health Act
1936.

Section 277 (Power of councils to require information as to ownership of premises);

Section 292 (Power to make a charge in respect of establishment expenses).

90. 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 to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

Applica-
tion of
Arbitration
Acts 1889
to 1934.

91. The following enactments are hereby repealed:—

Repeal.

The Act of 1928—

Section 149 (Separate sewers for sewage and surface water);

Section 222 (Date of commencement of Part XVI) the words “or such later date as the Corporation may by resolution passed within three months after the passing of this Act prescribe”;

Section 231 (Notice of Part XVI of Act);

Section 266 (Summons or warrant may contain several sums).

PART XII.

—cont.

Crown
rights.

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

Costs of
Act.

93. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and 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 moneys to be borrowed under this Act for that purpose.

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1 GEO. 6.]

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The SCHEDULES referred to in the
foregoing Act.

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THE FIRST SCHEDULE.

REDUCTION OF SUPERANNUATION ALLOWANCE.

Difference of age between husband and wife.	Further percentage reduction from husband's pension.
Less than 1 year - - - -	1 per cent.
1 year and less than 2 years - - -	2 per cent.
2 years and less than 3 years - - -	3 per cent.
3 years and less than 4 years - - -	3 $\frac{3}{4}$ per cent.
4 years and less than 5 years - - -	4 $\frac{1}{2}$ per cent.
5 years and less than 6 years - - -	5 $\frac{1}{4}$ per cent.
6 years and less than 7 years - - -	6 per cent.
7 years and less than 8 years - - -	6 $\frac{3}{4}$ per cent.
8 years and less than 9 years - - -	7 $\frac{1}{2}$ per cent.
9 years and less than 10 years - - -	8 $\frac{1}{4}$ per cent.
10 years and less than 11 years - - -	9 per cent.

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THE SECOND SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY
MAY BE TAKEN COMPULSORILY.

Area	Nos. on deposited plans.
The city	1 to 25 27 to 46 48 to 74 77 to 83 89 to 113 126 127 132 to 142 146 147 169 170 174 176 to 178 183 to 194 196 197 199 to 227 229 to 251 750 752 753 760 761 and 762.

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