



## CHAPTER xxv.

An Act to confer further powers upon the Corporation of Northampton with reference to their water undertaking and to increase the water rates leviable by them to empower the Corporation to provide and work omnibuses to consolidate the local rates leviable in the borough to authorise the Corporation to borrow further moneys and for other purposes.

A.D. 1922.

[31st May 1922.]

**W**HEREAS the borough of Northampton is a municipal and county borough under the management and local government of the mayor aldermen and burgesses of the borough acting by the council (hereinafter referred to as "the Corporation" and "the borough" respectively):

And whereas under the Northampton Corporation Waterworks Acts and Order 1861 to 1913 the Corporation are the owners of waterworks and supply water within the borough and other places in the county of Northampton:

And whereas it is expedient that the Corporation should be empowered as provided by this Act to make and maintain additional waterworks and that the rates for the supply of water leviable by the Corporation should be increased and that further provision should be made in regard to their water undertaking as by this Act provided:

And whereas the Corporation are the owners of a system of tramways within the borough and it is

A.D. 1922. — expedient to empower them to provide and work motor omnibuses in connexion therewith :

And whereas the expenses of the Corporation whether as a municipal or sanitary authority or otherwise are payable out of the borough fund and borough rate or out of the district fund and general district rate of the borough subject so far as the last-mentioned rate is made for the purposes of the Public Health Acts to provisions for differential rating in certain cases and it is expedient that all the said expenses of the Corporation should be defrayed out of the borough fund and borough rate :

And whereas the borough now comprises the parishes of Northampton and Far Cotton and it is expedient that the contributions of the said parishes to the borough rate should be levied as part and be paid out of the poor rate for the said parishes and that in relation thereto the provisions contained in this Act with respect to differential rating in certain cases should be enacted :

And whereas an estimate has been prepared by the Corporation in relation to the following purpose in respect of which they are by this Act authorised to borrow money and such estimate is as follows :—

For and in relation to waterworks purposes including the purchase of the lands for and the construction of the waterworks by this Act authorised and works incidental thereto	-	-	£100,000
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And whereas the works included in such estimate are permanent works and it is expedient that the cost thereof should be spread over a term of years :

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

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

And whereas plans and sections showing the lines and levels of the works 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 clerk



of the peace for the county of Northampton which A.D. 1922.  
plans sections and book of reference are in this Act  
respectively referred to as the deposited plans sections  
and book of reference :

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

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

## PART I.

### PRELIMINARY.

1. This Act may be cited as the Northampton Short title.  
Corporation Act 1922.

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

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—Water.

Part III.—Omnibuses and Tramways.

Part IV.—Consolidation of Rates.

Part V.—Finance.

Part VI.—Miscellaneous.

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

(1) The Waterworks Clauses Acts 1847 and 1863  
except—

(A) the words “ with the consent in writing  
“ of the owner or reputed owner of any such  
“ house or of the agent of such owner ” in  
section 44 of the Waterworks Clauses Act  
1847 :

(B) Sections 75 to 82 of the Waterworks  
Clauses Act 1847 with respect to the amount  
of profit to be received by the undertakers

A.D. 1922.  
—

when the waterworks are carried on for their benefit and section 83 relating to accounts;

- (2) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845).

Interpreta-  
tion.

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

“The borough” means the county borough of Northampton;

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

“The county council” means the council of the administrative county of Northampton;

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

“The Act of 1911” means the Northampton Corporation Act 1911;

“The Act of 1913” means the Northampton Corporation Water Act 1913;

“The water undertaking” means the water undertaking of the Corporation as from time to time authorised;

“The tramway undertaking” means the tramway undertaking of the Corporation as from time to time authorised;

“Omnibus” means any stage carriage moved by animal power or by mechanical power obtained from some internal source including in that expression steam electrical and every other motive power not being animal power;

“The parish” means the parishes of Northampton and Far Cotton respectively;

“The overseers” means the overseers of the parish;

“The poor rate” means the poor rate of the parish;

“The consolidated rate” means the poor rate as by this Act authorised to be levied and collected;



“ Statutory security ” means any security in which A.D. 1922.  
trustees are from time to time 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 (Defini-  
tions) of the Local Loans Act 1875 but does  
not include annuities rentcharges or securities  
transferable by delivery or any securities of the  
Corporation.

## PART II.

### WATER.

5. Subject to the provisions of this Act the Corpo- Power to  
ration may make and maintain in the rural district of make water-  
Brixworth in the county of Northampton in accordance works.  
with the deposited plans and sections and upon the lands  
delineated on those plans and described in the deposited  
book of reference the following works and may enter  
upon take and use all or any of the lands delineated on  
the deposited plans relating thereto and described in  
the deposited book of reference (that is to say) :—

Work No. 1 A well or wells and pumping station  
situate in the parish of Boughton in the enclosures  
numbered 221 and 223 on the  $\frac{1}{2500}$  Ordnance map  
of the said parish sheet XXXVII-16 (second  
edition 1900);

Work No. 2 A well or wells and pumping station  
situate in the parish of Boughton in the enclosures  
numbered 220 225 and 226 on the  $\frac{1}{2500}$  Ordnance  
map of the said parish sheet XXXVII-16 (second  
edition 1900);

Work No. 3 A well or wells and pumping station  
situate in the parishes of Boughton and Pitsford  
in the enclosures numbered on the  $\frac{1}{2500}$  Ordnance  
map of the said parishes sheet XXXVII-12  
(second edition 1900) 1 and 6 in the parish of  
Boughton and 43 44 and 45 in the parish of  
Pitsford;

Work No. 4 A well or wells and pumping station  
situate in the parish of Chapel Brampton in the

A.D. 1922.

enclosures numbered 128 140 141 149 and 148 on the  $\frac{1}{2500}$  Ordnance map of the said parish sheet XXXVII-8 (second edition 1900).

In addition to the foregoing works the Corporation may upon the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to deviate.

6. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent.

Works to form part of water undertaking.

7. The works by this Part of this Act authorised shall for all purposes be deemed part of the water undertaking.

Power to take waters.

8. The Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking all such waters as will or may be intercepted by the works by this Act authorised or by the works connected therewith or ancillary thereto Provided always that the Corporation shall not under the powers of this Act collect impound take use divert or appropriate the water from any river stream or watercourse.

Construction of wells and supply of water therefrom.

9.—(1) The wells by this Act authorised (Works Nos. 1 to 4) shall be constructed so that the top thereof is above flood water level and all works by this Act authorised shall be constructed so that flood water shall not be allowed to find its way into the said well except after percolation through the ground and no well or collecting drain shall be constructed in pursuance of this Act within fifty feet of the River Nene.

(2) All water supplied by means of the wells by this Act authorised shall be efficiently filtered before being put into the distributing mains of the Corporation.

(3) The Corporation shall not supply water from the wells by this Act authorised after the expiration



of five years from the passing of this Act unless authorised A.D. 1922.  
so to do by Act of Parliament or by an Order of the  
Minister of Health which Order that Minister is hereby  
empowered to make.

**10.**—(1) If it shall be proved that the pumping by the Corporation at the wells and pumping stations by this Act authorised has caused any diminution of the supply in any private well existing at the time of the passing of this Act such private well being situate within a radius of two miles from the wells and pumping stations by this Act authorised the Corporation shall upon the written request of the owner of any such private well as aforesaid (in this section referred to as “the owner” which term shall include any lessee or occupier) afford to the owner a supply of water equal to the amount of such diminution as so proved at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall be the same after as before the construction of the Corporation’s well the pumping from which has caused such diminution and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

Provision  
where ex-  
isting wells  
affected.

(2) The Corporation may if they think fit in lieu of making good the diminution of supply from any such well deepen the affected well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution and the owner shall without making any charge therefor give the Corporation access and every facility for carrying out such deepening borings or headings.

(3) If the Corporation do not afford a supply equal to the diminution as aforesaid they shall make compensation in money to such owner for such diminution and they shall also make like compensation for any injury caused to such owner by the diminution of the supply in such well prior to the Corporation having made good such diminution or paid compensation therefor the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided.

(4) The Corporation shall not be liable in respect of any claim made by the owner under this section if he shall have failed to afford to the officers servants

A.D. 1922. or other representatives of the Corporation at all reasonable times after the passing of this Act access to the well in respect of which the claim is made for the purpose of ascertaining particulars thereof and the level of the water therein.

(5) The provisions of the Waterworks Clauses Acts 1847 and 1863 with respect to the waste or misuse of water supplied by or belonging to the Corporation and the regulations of the Corporation for preventing waste misuse undue consumption or contamination of water shall so far as they are applicable apply *mutatis mutandis* to any supply of water afforded in pursuance of this section.

(6) Any question or dispute arising under this section shall be referred to and determined by a single arbitrator to be agreed on between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Acquisition  
of lands.

11. Subject to the provisions of this Act the Corporation may enter upon take and use for the purposes of the water undertaking the lands following in the rural district of Brixworth in the county of Northampton which are delineated on the deposited plans and described in the deposited book of reference (that is to say) :—

- (A) Certain lands in the parishes of Boughton and Chapel Brampton being the enclosures numbered on the  $\frac{1}{2500}$  Ordnance map of the said parishes sheets XXXVII-16 and XXXVII-12 (second edition 1900) 219 and 218 in the parish of Boughton and 28 35 and 36 in the parish of Chapel Brampton ;
- (B) Certain lands in the parishes of Pitsford and Chapel Brampton being the enclosures numbered on the  $\frac{1}{2500}$  Ordnance map of the said parishes sheets XXXVII-12 and XXXVII-8 (second edition 1900) 40 27 26 and 25 in the parish of Pitsford and 77 and 112 in the parish of Chapel Brampton ;

and the Corporation may upon the said lands make and maintain all such buildings machinery works and apparatus of whatever character (other than wells) as may be necessary or convenient in connexion with or



subsidiary to the water undertaking but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them. A.D. 1922.

**12.**—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts. Corporation may acquire easements only in certain cases.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

**13.** The power of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

**14.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily may (if the Corporation so desire) as from the date of such acquisition be extinguished Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. As to private rights of way over lands taken compulsorily.

A.D. 1922.

Persons  
under dis-  
ability may  
grant  
easements  
&c.

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

For protec-  
tion of Earl  
Spencer.

**16.** The following provisions for the protection and benefit of the Right Honourable Charles Robert Earl Spencer K.G. or other the owner for the time being of the Althorp Estate (in this section referred to as "the owner") shall have effect except so far as may be otherwise agreed in writing between the owner and the Corporation (that is to say):—

(1) The Corporation shall within six months after the passing of this Act serve notice to treat upon the owner in respect of his estate and interest in all the lands belonging to him and shown on the deposited plans and described in the deposited book of reference and the Corporation shall not withdraw such notice and shall contemporaneously with the purchase of the said lands purchase the whole of the lands of the owner numbered respectively 125 on the  $\frac{1}{2500}$  Ordnance map (second edition 1900) for the parish of Chapel Brampton and 34 on the said map for the parish of Brixworth as if such lands had been included in the said notice to treat:

(2) The provisions of the section of this Act of which the marginal note is "Provision where existing wells affected" shall extend and apply to existing springs and watering places on the Althorp Estate within a radius of two miles from the wells and pumping stations by this Act authorised and to existing watering places on the said estate in on or fed from the Stowe Brook or the River Nene within a radius of three miles from the said wells and pumping stations



as if such springs and watering places were referred to in the said section in addition to private wells :

A.D. 1922.  
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- (3) If by reason of the pumping operations of the Corporation at any of the wells and pumping stations by this Act authorised the flow of water in the River Nene shall become insufficient to turn the water wheel of the owner by which the motive power is in part obtained for pumping the supply of water as at present given to the villages of Church Brampton and Chapel Brampton the Corporation shall provide free of cost at the pumping station in which the said water wheel is placed the necessary motive power to enable the said supply to be continued and any extra labour which shall be necessitated thereby :
- (4) If by reason of the pumping operations of the Corporation at any of the wells and pumping stations by this Act authorised it becomes reasonably necessary to erect fences in order to prevent cattle from straying from lands of the owner across the Stowe Brook or the River Nene the Corporation shall repay to the owner the reasonable cost incurred by him in erecting and maintaining such fences :
- (5) Any question or dispute arising under this section shall be referred to and determined by an arbitrator to be agreed upon between the Corporation and the owner or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

17. Notwithstanding anything contained in this Act or shown upon the deposited plans the following provisions for the protection of the county council shall unless otherwise agreed in writing between the Corporation and the county council apply and have effect (that is to say) :—

For protec-  
tion of  
county  
council.

- (1) The Corporation shall not enter upon take or use any part of the road leading from Northampton to Welford or any part of the embankments or retaining walls upon or by means of which that road is supported or any flood arches or

A.D. 1922.  
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other works of or belonging to the county council in or under any part of such road embankments or retaining walls :

(2) The Corporation shall not erect or maintain any building or erection upon the lands which are coloured red upon the plan signed by Herbert Ashlin Millington on behalf of the county council and Herbert Hankinson on behalf of the Corporation and if at any time the county council give notice in writing to the Corporation that they desire forthwith to utilise for or in connexion with the widening alteration or improvement of the said road the whole or any part of such lands which have been purchased by the Corporation the Corporation shall forthwith without payment grant and convey to the county council the whole of the said lands or such part thereof as may be specified or referred to in the said notice :

(3) The Corporation shall not erect or maintain any permanent building or erection exceeding a height of six feet upon the lands which are coloured green upon the said plan and if at any time the county council give notice in writing to the Corporation that they desire to purchase the whole or any part of such lands which have been purchased by the Corporation the Corporation shall forthwith grant and convey to the county council the whole of such lands or such part thereof as may be specified or referred to in the said notice and the price to be paid by the county council in respect of the conveyance of such lands or such part thereof shall be a fairly apportioned fraction (according to area) of the purchase money paid by the Corporation for the enclosure or enclosures (as the case may be) of which the lands to be so granted and conveyed form part.

Extension  
of time for  
construction  
of water-  
works under  
Act of 1913.

18. The time now limited for the completion of the works authorised by the Act of 1913 is hereby extended for a period of nine years from the fourth day of July one thousand nine hundred and twenty-three. If the said works be not completed within the said period of nine years then at the expiration of that period



the powers by the said Act 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. A.D. 1922.

**19.** The new or improved sewage disposal works at Guilsborough referred to in Section 13 (Provisions as to sewage of Guilsborough and Cold Ashby) of the Act of 1913 shall be subject to the approval of the Minister of Health. As to Guilsborough sewage works.

**20.** From and after the twenty-fourth day of June one thousand nine hundred and twenty-two section 36 (Charges for supply of water for domestic use) of the Northampton Corporation Waterworks Act 1884 shall be read and have effect as if the words "fifteen per centum per annum" and "three shillings and sixpence a quarter" were inserted therein instead of the words "seven and a half per centum per annum" and "two shillings and sixpence a quarter" respectively and as from the said date the Northampton Water (Temporary Increase of Charges) Order 1921 is hereby repealed. Increase of charges for water supplied for domestic use.

**21.** On the application of the Corporation or of a local authority having jurisdiction within the limits for the supply of water by the Corporation the Minister of Health may if satisfied that the circumstances have materially changed make an Order varying either by way of increase or decrease the maximum rates for the supply of water by this Act authorised: Revision of water rates.

Provided that in the absence of exceptional reasons the Minister shall not alter the rates at less intervals than every five years.

**22.** Section 35 of the Waterworks Clauses Act 1847 in its application to the Corporation shall be read, and construed as if the words "one-sixth part" and "five successive years" were substituted therein for the words "one-tenth part" and "three successive years" respectively. Application of section 35 of Waterworks Clauses Act 1847.

**23.** Notwithstanding anything contained in any Act relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipe therewith and the Corporation shall on the request of any owner or occupier of any Corporation to connect communication pipes with mains.

A.D. 1922. — premises who is entitled to be supplied with water by the Corporation execute on any such main subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Agreements  
as to repair  
of communi-  
cation pipes.

24. The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the limits for the supply of water by the Corporation execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Power to  
Corporation  
to repair  
communi-  
cation pipes.

25. If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Corporation to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier :

Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Penalty for  
closing  
valves and  
apparatus.

26. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be



interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to the consumer closing a valve fixed on his communication pipe. A.D. 1922.

**27.** For the protection of the county council the following provisions shall unless otherwise agreed in writing between the Corporation and the county council apply and have effect in relation to any mains or pipes laid down by the Corporation after the passing of this Act or in relation to the renewal of any mains or pipes laid down by the Corporation prior to the passing of this Act in pursuance of their powers under the Northampton Corporation Waterworks Acts and Order 1861 to 1913 and this Act (that is to say):— For further protection of county council.

(1) In this section—

The word “road” means any road for the time being vested in or repairable by the county council and situate within any part of the limits of the Corporation for the supply of water and any embankments retaining walls or other works connected therewith and vested in the county council;

The word “bridge” means any county or main road bridge or flood arch situate within the said limits and includes the road over such bridge or flood arch and the approaches thereto respectively :

- (2) In relation to any road or bridge section 30 of the Waterworks Clauses Act 1847 shall (except in cases of leakage bursting or other emergency) have effect as if the word “seven” were substituted for the word “three” in that section:
- (3) In the case of any works which it is reasonably necessary to lay otherwise than in the roadway over any bridge the same shall be carried on the structure thereof in such manner as the county council may in writing under the hand of the county surveyor reasonably direct and except as aforesaid the Corporation shall not interfere with the structural part of any bridge

A.D. 1922.  
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without the consent in writing of the county council or the county surveyor which consent shall not be unreasonably withheld:

- (4) The Corporation shall not permit any trench made by them in any road to be opened for a greater consecutive distance than one hundred yards if in such length of one hundred yards there is not room for two carts to pass one another:
- (5) Whenever the Corporation in the exercise of their statutory powers shall have opened or broken up the carriage-way or footway of any road or of any bridge the Corporation shall reinstate and make good such carriage-way or footway to the reasonable satisfaction of the county council and for that purpose section 32 of the Waterworks Clauses Act 1847 shall have effect as if the reinstatement and making good of the road required by that section included the application of a sufficient layer of surface metalling of the same specification as that employed by the county council for the particular carriage-way or footway and also included the use of a steam roller on the places where the carriage-way has been broken up until the surface thereof has been made uniform with the unbroken surface adjoining:
- (6) If the Corporation after notice from the county council under the hand of the county surveyor shall neglect to do or complete any work or act required by this section to be done by the Corporation then and in any such case the county council may do such work or act themselves under the superintendence (if given) of the Corporation causing as little damage or inconvenience to the Corporation as the circumstances may admit and the Corporation shall repay to the county council all expenses reasonably incurred by the county council in connexion with any such work or act:
- (7) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes or works of the Corporation shall not after completion of the work be placed on the metalled portion of any road



or in or upon any bridge without the written consent of the county surveyor and subject to such conditions and directions as he may reasonably require or give : A.D. 1922.

- (8) All surplus paving metalling or materials removed during the laying of any works by the Corporation in or along any road or in upon or across any bridge and not required by the Corporation for the purpose of reinstating making good and maintaining the road or bridge may be used by the county council for the maintenance and repair of any road and the Corporation shall on receiving notice from the county surveyor forthwith remove the same to such place or places not more than one mile from the place of excavation as the county surveyor may direct and if the Corporation fail so to do the county surveyor may remove the same but the county council shall repay to the Corporation any expenses which the Corporation may reasonably incur in complying with any directions of the county surveyor under this subsection :

- (9)—(A) The county council may repair alter the level of or deviate or improve in any manner they think fit any road or remove alter rebuild widen or repair any bridge in along under over or attached to which any works of the Corporation are carried in the same manner as they might have repaired altered deviated or improved such road or removed altered rebuilt widened or repaired such bridge in the absence of such works and in the event of any road or bridge in along under over or attached to which any such works are laid being improved widened or repaired as aforesaid the Corporation shall with all convenient speed on receiving fourteen days' notice in writing from the county council (except in case of emergency) so to do alter the position of such works in such manner and to such extent as such notice may reasonably prescribe and to the reasonable satisfaction of the county surveyor and the cost of so doing shall be paid in the case

A.D. 1922.

of works laid otherwise than in or on a bridge by the county council and in the case of works laid in or on a bridge by the Corporation ;

(B) The county council shall at the like expense afford all reasonable facilities to the Corporation for such alterations and also (during the alteration deviation improvement rebuilding widening or reparation of such road or bridge) for temporarily carrying or supporting such works along the road or across any stream or river so as not to interrupt the continuous supply of water :

(10) Except in cases of emergency all works of the Corporation so far as they affect any road or bridge shall be so executed by the Corporation as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on such road or over such bridge :

(11) The county council shall not except in case of their negligence be liable for or in respect of any damage or injury to any works of the Corporation in or upon the metalled portion of any road or any bridge arising from the reasonable use by the county council of a steam or other roller or traction engine not exceeding fifteen tons in weight :

(12) Any difference which shall arise between the county council and the Corporation under this section shall be referred to and determined by an arbitrator to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

### PART III.

#### OMNIBUSES AND TRAMWAYS.

Definition  
of road  
authority.

28. For the purposes of this Part of this Act the expression "road authority" means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or



person charged with or liable to contribute to the maintenance of such road or part of a road. A.D. 1922.

**29.**—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the borough and with the consent of the Minister of Transport and the local authority of the district along any route outside the borough. Provided that the consent of a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport. Power to run omnibuses.

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

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

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

(5) The Corporation shall perform in respect of the omnibuses provided under this section such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

A.D. 1922.

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

(7) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon such omnibuses or in or against any premises held by the Corporation in connection therewith.

Omnibuses  
to form part  
of tramway  
under-  
taking.

**30.** Subject to the provisions of this Act the omnibus undertaking authorised by this Act shall be deemed to form part of the tramway undertaking. Provided that in the accounts of the Corporation relative to the tramway undertaking the income and expenditure upon and in connection with omnibuses shall (so far as may be reasonably practicable) be distinguished from the income and expenditure upon or in connexion with the remainder of such undertaking.

Provisions  
as to adapt-  
ation of  
roads &c.

**31.—(1)** (A) Before the Corporation commence to run omnibuses over any road or part of a road it shall be determined by agreement between the Corporation and the road authority or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money (if any) per mile of road so to be adapted altered or reconstructed or what sum of money (if any) in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

(B) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (A) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether they intend to run omnibuses over the road or part of a road or bridge in question.



A.D. 1922.

(c) If the Corporation give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (A) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

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

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

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

A.D. 1922.  
—

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

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

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any road over which any motor-omnibus is run under the powers of this Act.

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

As to  
bridges of  
railway or  
canal  
companies.

**32.** Nothing contained in this Part of this Act shall impose any obligation on or enlarge any obligation of any railway or canal company to strengthen adapt alter or reconstruct any bridge maintainable by them.

For protec-  
tion of  
United  
Counties  
Omnibus  
and Road  
Transport  
Company  
Limited.

**33.** Notwithstanding anything in this Act the following provisions for the protection of the United Counties Omnibus and Road Transport Company Limited (in this section called "the limited company") shall except so far as may be otherwise agreed between the Corporation and the limited company apply and have effect (that is to say):

(1) The Corporation shall not provide maintain or run any omnibus services (whether reserved for any special purpose or otherwise) beyond a distance of two and a quarter miles from the



A.D. 1922.

town hall Northampton upon any route on which the limited company are running omnibus services at the passing of this Act nor shall the Corporation make any application to the Minister of Transport for the running of omnibus services beyond the said distance on any such route as aforesaid or enter into any agreement with any local authority company body or person for the working user management or maintenance of any omnibus services on any such route. Provided that this subsection shall have effect as regards any particular route so long only as the limited company run an efficient service of omnibuses on that route but failure on the part of the limited company to afford an efficient service of omnibuses on any such route shall not deprive the limited company of the protection afforded by this subsection if such failure is due to strikes or unforeseen accidents or circumstances beyond the control of the limited company:

- (2) Any question at any time arising between the Corporation and the limited company as to whether or not the limited company are providing efficient services of omnibuses within the meaning of this section shall on the application of either party after notice in writing to the other be determined by the Minister of Transport or if the Minister thinks fit by a single arbitrator appointed by him and the provisions of the Arbitration Act 1889 shall apply for the purpose of the determination of any such question by an arbitrator appointed by the Minister as if the arbitration were pursuant to a submission.

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

Cesser of  
powers.

A.D. 1922.

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

Determina-  
tion of  
powers in  
certain  
events.

**35.** If the Corporation having provided a service of omnibuses on any route outside the borough shall discontinue such service or having obtained the necessary consents do not within three years thereafter provide such a service the Minister of Transport may on the application of any local authority within whose district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the Minister of Transport may by such order prescribe the powers of the Corporation under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Corporation under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease :

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

Fares and  
charges.

**36.—**(1) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport.

Any application for a revision of such maximum fares or charges may be made by the Corporation or by the local authority of any district in which such omnibuses are run.

(2) Every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat



nor be of a form or description to annoy or inconvenience other passengers. A.D. 1922.

(3) The Corporation may if they think fit carry on the omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but they shall not carry any other goods or animals.

(4) The fares and charges authorised by this Act shall be paid to such persons and in such manner as the Corporation may by notice annexed to the list of fares and charges appoint.

**37.**—(1) Subject to the provisions of this Act the Corporation and any other local authority company body or person from time to time empowered to provide or run omnibuses in any district in which any of the omnibus routes of the Corporation are situate may enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

Working  
and other  
agreements.

(A) The working user management and maintenance of all or any of the omnibus services which the contracting parties provide and run and of any omnibuses lands depôts buildings sheds and property provided by either of the contracting parties and of the right to provide and use the same and to demand and take the fares and charges authorised in respect of such omnibuses :

(B) The supply by any of the contracting parties under and during the continuance of any such agreement of omnibuses and conveniences in connexion therewith necessary for the purpose of such agreement and the employment of officers and servants :

(C) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties :

(D) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service.

(2) The Corporation shall not enter into or carry into effect any agreement (other than with a local authority) under the provisions of this section in relation

A.D. 1922. to any omnibus service lands depôts buildings sheds or property beyond the borough otherwise than with the consent of the local authority of the district within which such omnibus service lands depôts buildings sheds or property are situate Provided that on complaint being made to the Minister of Transport that such consent is unreasonably withheld the Minister may if he thinks fit by order dispense with such consent.

Shelters or  
waiting-  
rooms.

**38.** The Corporation may erect and maintain within and with the consent of the local and road authorities beyond the borough sheds shelters or waiting-rooms and gangways for the accommodation of passengers on any omnibus route established under the authority of this Act and may use for that purpose portions of the public streets or roads.

Cloakrooms.

**39.** The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connexion with their tramway undertaking and at suitable places on any of their tramway trolley vehicle and omnibus routes and the Corporation may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

Power to  
require  
intending  
passengers  
to wait in  
queues.

**40.** For the better regulation of persons desiring to travel in the tramcars trolley vehicles and omnibuses of the Corporation the Corporation may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may with the consent of the road authority use part of the highway and the Corporation may make byelaws requiring persons waiting to enter carriages at any stopping place or terminus to wait in lines or queues and to enter such carriages in the order in which they stood in such line or queue.

Stopping  
and starting  
places.

**41.** The Corporation may appoint the stations and places from which the tramcars trolley vehicles and omnibuses of the Corporation shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time during which such tramcars trolley vehicles and omnibuses shall be



allowed to remain at any such place Provided that no such station or place shall without the consent of the county council be appointed by the Corporation on any county bridge which belongs to or is under the jurisdiction of the county council nor shall any such station or place be appointed on any road except at such point or points as the road authority thereof may reasonably approve and any question arising between the Corporation and the road authority as to the reasonableness or otherwise of the refusal to approve of any such station or place shall be determined by the Minister of Transport.

A.D. 1922.

42. The following provisions for the protection and benefit of the London and North Western Railway Company and the Midland Railway Company (each of whom is in this section referred to as "the company") shall apply and have effect except so far as may be otherwise agreed in writing between the Corporation and the company :—

For protection of London and North Western and Midland Railway Companies.

Notwithstanding anything contained in this Act no shed shelter waiting-room gangway cloakroom or room barrier or post shall be erected maintained or provided nor shall any starting or stopping station or place be appointed nor shall the Corporation require persons waiting at any such stopping place or any terminus to wait in any line or queue so as to cause interference with or render less convenient the access to or exit from any station depôt or property belonging to the company nor shall any such shed shelter waiting-room gangway cloakroom room barrier or post be erected maintained or provided on any bridge carrying any street or road over the railways of the company.

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

Lost property.

A.D. 1922.

Power to  
reserve  
carriages or  
omnibuses  
for special  
purposes.

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

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

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

Byelaws  
under  
Part III. of  
Act.

45. All byelaws and regulations under this Part of this Act shall be made subject to and in accordance with the provisions of the Tramways Act 1870 with respect to the making of byelaws.

Tramway ac-  
counts to be  
submitted to  
Minister of  
Transport.

46. The Corporation shall submit to the Minister of Transport a copy of the annual accounts relative to the tramway undertaking.

Extension  
of time for  
construction  
of tramways  
under Act  
of 1911.

47. The time now limited for the completion of the tramways authorised by the Act of 1911 is hereby extended for a period of five years from the passing of this Act If the said works be not completed within the period limited by this Act then at the expiration of that period the powers of the Act of 1911 as extended by this Act for making and maintaining the said tramways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.



PART IV.

A.D. 1922.

CONSOLIDATION OF RATES.

48. This Part of this Act shall come into operation on the first day of April one thousand nine hundred and twenty-three. Commence-  
ment of this  
Part of Act.

49. The following provisions of the following Acts are hereby repealed (namely):— Repeal of  
certain  
enactments.

The Northampton (Extension) Order 1900—

Article XXXVI (Differential Rating):

The Act of 1911—

Section 110 (General district rate may be assessed as borough rate);

Section 111 (Audit of overseers' and rate collectors' accounts); and

Section 113 (Owner may be rated instead of occupier in certain cases).

50.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund or general district rate shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Part of this Act any reference to the district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate. All expenses  
of Corpora-  
tion to be  
paid out of  
borough  
fund and  
rate.

(2) The district fund shall be closed and any balance standing to the credit or to the debit of the district fund or the general district rate respectively shall be transferred to the credit or the debit (as the case may be) of the borough fund but any moneys owing to the Corporation in respect of or in connexion with the district fund or the general district rate respectively shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when

A.D. 1922. received by the Corporation shall be carried to the credit of the borough fund.

Contribution to borough rate to be paid out of poor rate.

**51.** The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate and the provisions of section 145 of the Municipal Corporations Act 1882 shall apply to the said contribution.

Poor rate to be called consolidated rate.

**52.** The poor rate (inclusive of the contributions to the borough rate levied as part thereof in pursuance of the provisions of this Act) shall be called the consolidated rate of the parish.

Owner may be rated instead of occupier in certain cases.

**53.—(1)** The owner instead of the occupier may from time to time at the option of the Corporation be rated to the consolidated rate—

(A) Where the rateable value of the hereditaments does not exceed eight pounds ; or

(B) Where the premises are let in separate apartments ; or

(C) Where the rents are collected weekly :

Provided that the owner so rated shall be bound to pay such rate whether the premises are occupied or not and shall be entitled to a deduction of not exceeding twenty-five per centum from the amount of the rate when paid by him if he shall pay the same within three months after the rate shall have been demanded.

(2) When the Corporation exercise the option under this section of causing the owner to be rated instead of the occupier they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner accordingly and the provisions of this section shall apply within the borough in substitution for the provisions with regard to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 and in section 211 of the Public Health Act 1875.

Differential rating for certain classes of hereditaments.

**54.** The provisions contained in this section shall have effect with respect to the consolidated rate to be hereafter made and levied by the overseers (that is to say) :—

(1) The occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing-path for the same or as a railway constructed



A.D. 1922.

under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of thirteen-twentieths only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

(2) During the continuance of the Agricultural Rates Act 1896 the occupier of any agricultural land as defined in that Act shall be liable to pay in each year in respect of such land a rate calculated on the basis of two-fifths only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

(3) Nothing in this section shall in any way affect—

(A) The operation of the Agricultural Rates Act 1896 save as in this section is expressly provided or the payment of the sum certified by the Minister of Health or the Local Government Board as the amount of the share of the annual grant payable under that Act out of the local taxation account to the Corporation or in respect of the parish ; or

(B) The amount of the contribution for any purposes to be made by the parish out of the poor rate ; or

(C) The calculation of the amount in the pound of the part of the consolidated rate levied for the purposes of the relief of the poor and other expenses of the guardians and expenses of the overseers respectively which is required to be stated in the demand note for the poor rate.

**55.** Any person aggrieved by reason of any clerical or arithmetical error in a consolidated rate may apply to a court of summary jurisdiction sitting in and for the borough who after the applicant has given such notice to the overseers who made the rate and such persons as the court may think just may hear the case in like manner as in the case of summary proceedings and amend the rate so far as regards such error.

Amendment  
of error in  
consolidated  
rate.

A.D. 1922.

Amendment  
of consoli-  
dated rate.

**56.** Section 221 of the Public Health Act 1875 shall apply to the borough in respect of the consolidated rate as if the overseers of the parish were an urban authority and the rate therein mentioned were the consolidated rate.

Water rate  
may be  
levied with  
consolidated  
rate.

**57.** Any water rate or charge payable to the Corporation may be included with the consolidated rate (but distinguished therefrom) in any book or books of assessments and in one demand note.

Form of  
demand  
note to be  
prescribed  
by Minister  
of Health.

**58.** The demand note and any other necessary documents to be used for the purposes of or in connection with the consolidated rate and any water rate or charge included therewith shall be in such form as the Minister of Health may from time to time prescribe.

As to section  
133 of Lands  
Clauses Con-  
solidation  
Act 1845.

**59.** For the purposes of section 133 of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be one-half of the amount in the pound of the consolidated rate.

As to re-  
covery of  
consolidated  
rate.

**60.** No warrant of commitment in respect of non-payment of the consolidated rate shall be issued against any person who shall satisfy the court that his failure to pay the said rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the said rate.

As to collec-  
tors of poor  
rates.

**61.**—(1) Any collector of poor rates appointed by the guardians of the poor of the Hardingstone Union who by virtue of this Part of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and for whose compensation no other provision is made by any enactment for the time being in force and applicable to his case shall be entitled to have compensation paid to him by the Corporation for that pecuniary loss and in determining the said compensation regard shall be had to the conditions and other circumstances mentioned in subsection (1) of section 120 of the Local Government Act 1888 and the compensation shall not exceed the limit therein mentioned and shall be paid out of the borough fund and borough rate and the provisions of subsections (2) to (7) of the said section 120 shall apply with the necessary modifica-



tions and with the substitution of the Minister of Health A.D. 1922.  
 for the Treasury Provided that—

(A) The non-acceptance of any office shall not be a bar to the right of any officer to compensation;

(B) In the application of subsection (1) of the said section 120 "the Acts and rules relating to Her Majesty's Civil Service" shall mean the Acts and rules relating to Her Majesty's Civil Service which were in operation at the date of the passing of the said Act of 1888.

(2) No person shall be entitled to claim or receive both compensation for any direct pecuniary loss by abolition of office or diminution or loss of fees or salary and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

## PART V.

### FINANCE.

**62.**—(1) The Corporation may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all moneys so borrowed shall be chargeable on the respective revenue fund and rate set forth in the third column of the said table and shall be repaid within the respective periods set forth in the fourth column thereof and the Corporation may apply any sum so borrowed for the said purposes respectively (that is to say):—

Power to borrow and repayment of borrowed moneys.

Purpose.	Amount.	Charge.	Period for Repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Borough fund and borough rate.	5 years from the passing of this Act.
(2) For purchase of lands for waterworks purposes.	£19,000	Revenue of the water undertaking and borough fund and borough rate.	60 years from the date or dates of borrowing.
(3) For construction of the waterworks by this Act authorised and works incidental thereto.	£81,000	Revenue of the water undertaking and borough fund and borough rate.	30 years from the date or dates of borrowing.

A.D. 1922.

(2)—(A) The Corporation may also with the sanction of the Minister of Transport borrow such moneys as may be necessary for any of the purposes of Part III (Omnibuses and Tramways) of this Act and may with the sanction of the Minister of Health borrow such further moneys as may be necessary for any of the purposes of this Act other than purposes of Part III:

(B) Any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as may be prescribed by the Minister with whose sanction such moneys are borrowed and the revenue fund or rate chargeable for any moneys so borrowed shall be such as that Minister shall prescribe.

(3) Such payments shall be made either—

By equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by the other;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund.

(4) The provisions of this section shall not limit the powers conferred upon the Corporation by section 103 (Power to use one form of mortgage for all purposes) of the Act of 1911.

Incorporation of certain financial provisions of Acts of 1884 and 1911.

**63.** The provisions contained in the sections of the Northampton Corporation Waterworks Act 1884 and of the Act of 1911 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if they were re-enacted in this Act (that is to say):—

The Act of 1884—

Section 24 (Application of revenue); and

Section 25 (Deficiency in water account):

The Act of 1911—

Section 94 (Provisions of Public Health Act as to mortgages to apply);

Section 95 (Sinking fund);

Section 96 (Power to borrow under Local Loans Act 1875);

Section 98 (Appointment of receiver);

Section 100 (Audit of accounts);



Section 105 (Application of money borrowed); A.D. 1922.  
 Section 106 (Corporation not to regard trusts); —  
 and  
 Section 107 (Protection of lender from necessity  
 of inquiry):

Provided that the periods for repayment referred to in the section of this Act whereof the marginal note is "Power to borrow and repayment of borrowed moneys" shall respectively be deemed to be "the prescribed period" for the purposes of such application of the said section:

Provided also that the said sections shall be read and have effect as if the Minister of Health were referred to therein in lieu of the Local Government Board.

64. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers from time to time vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

65. Notwithstanding anything contained in any Act of Parliament or Order the rate of accumulation of the annual payments to any sinking fund being an accumulating sinking fund which the Corporation are required by such Act or Order to set aside for repayment of borrowed moneys may be reckoned at a rate not exceeding three and a half per centum or such higher rate as the Minister of Health may from time to time approve.

66. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made may be defrayed out of the borough fund and borough rate.

## PART VI.

### MISCELLANEOUS.

67. The period now limited for the compulsory purchase by the Corporation of the lands required for

A.D. 1922.

certain lands  
under Act  
of 1911.Compensa-  
tion in case  
of recently  
altered  
buildings.

the purpose of the street widenings authorised by the Act of 1911 is hereby extended for a period of five years from the passing of this Act.

**68.** In settling any question of disputed purchase-money or compensation for lands acquired by the Corporation under any Act or Order from time to time in force within the borough the tribunal settling the same shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the date of the first newspaper advertisement of the notice of the intention of the Corporation to apply for powers to acquire the lands if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Corporation of such lands.

Further  
powers for  
acquisition  
of land.

**69.—(1)** The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any land which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties and may borrow money for the purchase or acquisition of such land or for the payment of any capital sum payable under a lease thereof.

(2) No moneys shall be borrowed by the Corporation for the purposes of this section except with the consent of the Minister of Health and any moneys so borrowed shall be repaid within such period as may be prescribed by that Minister.

(3) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this



section shall be payable out of the borough fund and borough rate. A.D. 1922.

(4) Nothing in this section shall authorise the Corporation—

(A) To create or permit any nuisance on any lands so appropriated; or

(B) To appropriate such lands to any purposes other than purposes for which and subject to the conditions under which they are from time to time authorised to acquire and use lands.

**70.**—(1) Notwithstanding anything in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act from time to time in force in the borough (other than the Municipal Corporations Act 1882 or the Housing Acts 1890 to 1919) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Power to retain sell &c. lands.

(2) Nothing in this section shall be taken to dispense with the necessity for obtaining the approval of any Government department to any alienation sale lease or other disposition of any lands acquired under any Act for which such approval would be required but for the provisions of this section.

(3) Nothing in this section contained shall limit the powers of the Corporation under section 17 (Power to sell or exchange parts of the meadows and invest proceeds) and section 18 (Power to lease parts of meadows) of the Northampton Corporation Act 1882.

**71.**—(1) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them Proceeds of sale of surplus lands.

A.D. 1922. — on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health.

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

Inquiries by  
Minister of  
Health.

**72.**—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the said inspectors shall for the purposes of any such inquiry have all such powers as inspectors of the Minister of Health have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by him in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum (not exceeding five guineas a day) to be fixed by the Minister for the services of such inspector.

Inquiries by  
Minister of  
Transport.

**73.** In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words “under the seal of the Minister of Transport” were substituted for the words “by writing under the hand of the President or one of the Secretaries of the Board.”

Judges not  
disqualified.

**74.** A judge of any court or a justice shall not be disqualified from acting in the execution of any



enactment from time to time in force within the borough by reason of his being liable to any rate rent or charge. A.D. 1922.

**75.** The provisions contained in the sections of the Act of 1911 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if they were re-enacted in this Act (that is to say):— Incorporation of further provisions of Act of 1911.

Section 119 (Recovery of demands in county court) ;

Section 120 (Recovery of penalties) ;

Section 124 (Application of penalties &c.) ; and

Section 129 (Powers of Act cumulative).

**76.** The following enactments are hereby repealed Repeal.  
namely :—

The Act 6 & 7 Victoriae cap. LXXVIII—

Sections II to XLV XLVII to LXXVIII XCIX to CIV CIX CX CXIII to CXV CXVII to CXX CXXXII CXXXV CXXXVI CXLII CLI to CLIV CLXXIII CLXXIX to CLXXXII CXC CCII to CCIV CCXVII CCXIX to CCLI and Schedules (A) (B) (C) and (D) (which enactments relate to the appointment powers and duties of the Commissioners for paving lighting cleansing and improving the town of Northampton) :

The Northampton Waterworks Act 1861—

Section 71 (Justice or judge not disqualified) :

The Northampton Improvement Act 1871—

Sections 6 7 24 to 26 31 42 to 46 48 to 52 55 to 57 87 97 to 101 109 126 129 to 137 and 139 to 142 and the Second Schedule (which enactments relate to the powers and duties of the said Commissioners) :

The Act of 1911—

Section 43 (Power to retain sell &c. lands) ; and

Section 131 (Judges not disqualified) ;

and so much of section 51 (Incorporation of certain provisions of Acts of 1884 and 1911) of the Act of 1913 as relates to the said sections 43 and 131.

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

A.D. 1922.

Costs of  
Act.

78. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the revenue of the water undertaking or out of the borough fund or such other funds and revenues and in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose.

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