



## CHAPTER cv.

An Act to confer further powers upon the mayor  
aldermen and burgesses of the borough of  
Morley with regard to their water undertaking  
to make further provision with regard to the  
health improvement and good government of  
the borough and the consolidation of rates and  
for other purposes. [2nd August 1923.]

A.D. 1923.  
—

**W**HEREAS the borough of Morley (in this Act called  
“the borough”) is under the local government of  
the mayor aldermen and burgesses of the borough (in  
this Act called “the Corporation”):

And whereas the Corporation are the owners of the  
water undertaking of the borough and supply water  
within the borough and neighbourhood:

And whereas it is expedient to confer upon the  
Corporation the further powers with regard to their  
water undertaking contained in this Act:

And whereas it is expedient that further provision  
should be made with regard to the health local govern-  
ment and improvement of the borough as by this Act  
provided:

And whereas it is expedient to provide for the con-  
solidation of the rates levied in the area of the borough:

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

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

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

(a) For and in connection with the purchase of land and easements for and in connection with the aqueducts authorised to be constructed by this Act	£ 2,000
(b) For and in connection with the aqueducts authorised by this Act	116,000
(c) For and in connection with the extension of mains and the general purposes of the water undertaking of the Corporation	20,000
(d) For working capital in connection with the water undertaking of the Corporation	10,000

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

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and 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 west riding of the county of York and are in this Act respectively referred to as the deposited plans sections and book of reference:

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

## PART I.

## PRELIMINARY.

Short title.

1. This Act may be cited as the *Morley Corporation Act 1923.*



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

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Part I.—Preliminary ;

Part II.—Lands ;

Part III.—Waterworks and water supply ;

Part IV.—Streets buildings sewers and drains ;

Part V.—Infectious disease and sanitary provisions ;

Part VI.—Slaughter-houses ;

Part VII.—Police &c. ;

Part VIII.—Rating ;

Part IX.—Financial and miscellaneous provisions.

Division of  
Act into  
Parts.

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

Incorporation of Acts.

(1) The Lands Clauses Acts with the following exception and modification :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act ;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The Waterworks Clauses Act 1847 except—

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

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

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

(3) The Waterworks Clauses Act 1863.

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—  
Interpreta-  
tion.

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

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

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

“The borough” means the borough of Morley;

“The council” means the council of the borough;

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

“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 tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“The water limits” means the limits within which the Corporation are for the time being authorised to supply water;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;

“Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction;



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

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

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

“The Act of 1898” “the Act of 1900” and “the Act of 1913” mean respectively the *Morley Corporation (Gas &c.) Act 1898* the *Morley Corporation Act 1900* and the *Morley Corporation Act 1913*.

(3) In the construction of the provisions of the *Lands Clauses Acts* and of the *Waterworks Clauses Acts 1847* and *1863* incorporated with this Act the expressions “the promoters of the undertaking” and “the undertakers” mean respectively the Corporation.

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## PART II.

## LANDS.

Acquisition  
of lands.

**5:** Subject to the provisions of this Act the Corporation may for the purposes of this Act and of their water undertaking enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference relating to works numbers 4 and 5 by this Act authorised. Provided that the Corporation shall not enter upon take or use any of the lands in the borough of Todmorden nor in the urban district of Soyland nor the lands numbered 1 to 5 inclusive in the urban district of Mytholmroyd nor the land numbered 1 in the urban district of Sowerby shown on the deposited plans.

Acquisition  
of ease-  
ments.

**6.—(1)** The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act (including the subsidiary works and conveniences authorised by the subsection (2) of the section of this Act whereof the marginal note is "Power to make water-works") acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Corporation require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and of the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights 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 be subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not passed.



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(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement or right or to impose any such restriction 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 shall have given notice to treat for an easement or right or to impose any such restriction only.

(4) Every notice to treat for the acquisition of an easement or right or the imposition of restrictions shall either contain or be endorsed with notice of this provision.

7. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November nineteen hundred and twenty-two if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently acquired interest.

8. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years after the passing of this Act.

Period for compulsory purchase of lands.

9. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by or vested in the Corporation shall as from the date of such acquisition or vesting be extinguished. Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Extinction of private rights of way.

10.—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the pur-

Purchase of additional lands by agreement.

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poses of their water undertaking but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres and the Corporation may on all or any of such additional lands execute for the purposes of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

Persons  
under dis-  
ability may  
grant ease-  
ment &c.

**11.** 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 or 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.

Power to  
retain sell  
&c. lands.

**12.** Notwithstanding anything in the Lands Clauses Acts or 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 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 effecting any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

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

Reservation  
of water  
rights &c.

**14.—(1)** So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired 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 provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health.

Proceeds of  
sale of sur-  
plus lands.

(2) Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase :
- (b) the borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

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## PART III.

## WATERWORKS AND WATER SUPPLY.

Power to  
make water-  
works.

**15.**—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described.

The said works will be situate in the west riding in the county of York and are—

Work No. 4 An aqueduct conduit or line or lines of pipes (Aqueduct No. 2) commencing in the urban district of Mytholmroyd at the valve chamber of the Withens Clough Reservoir thence passing through the urban districts of Sowerby and Luddendenfoot the parishes of Norland Upper Greetland and Clifton the urban districts of Greetland and Elland the borough of Brighouse and the urban districts of Spensborough and Birstall and terminating in the borough in the Birk Lane Service Reservoir of the Corporation.

Work No. 5 An aqueduct conduit or line or lines of pipes (Aqueduct No. 3) in the borough commencing by a junction with Work No. 4 and terminating in the Victoria Service Reservoir of the Corporation.

(2) In addition to the works hereinbefore described the Corporation may upon any lands for the time being belonging to them or over which they have or obtain easements make and maintain all such buildings machinery roads tramroads works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the Corporation's waterworks or necessary for inspecting maintaining repairing cleansing managing working or using the same but nothing in this subsection 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.

Limits of  
deviation.

**16.**—(1) 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 where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate vertically from the levels shown on the deposited sections not exceeding ten feet upwards and to any extent downwards.

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(2) Provided that except for the purpose of crossing over a stream or railway no part of the aqueducts or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

**17.**—(1) If the works authorised by this Act and delineated on the deposited plans are not completed within seven years from the thirty-first day of December nineteen hundred and twenty-two then on the expiration of that period the powers granted by this Act for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Period for completion of works.

(2) Provided that nothing in this section shall prevent the Corporation from extending enlarging altering reconstructing renewing or removing any of their works and plant nor in the case of the aqueducts conduits and lines of pipes authorised by this Act from laying down additional lines of pipes as and when occasion may require.

**18.** The provisions contained in section 7 (1) of the *Morley Corporation Act 1905* shall apply to the works authorised by this Act which shall in any way interfere with any railways or works constructed on or before the twentieth day of November nineteen hundred and twenty-two in pursuance of the *Spenn Valley Light Railways Order 1901* and the *Spenn Valley Light Railways (Extension) Order 1901* and to any tramways operated by the *Yorkshire (Woollen District) Electric Tramways Limited* constructed on or before the twentieth day of November nineteen hundred and twenty-two as if the provisions of the said section were herein contained.

For protection of Yorkshire (Woollen District) Electric Tramways Limited.

**19.** The provisions of section 7 (For the protection of the *West Riding County Council*) of the *Act of 1890* so far as they relate to the main roads and bridges affected by the works authorised by this Part of this Act shall apply mutatis mutandis to such works. Provided

For protection of West Riding County Council.

A.D. 1923. that the conduits authorised by this Act shall at the option of the Corporation be carried over any streams crossed by any county or main road bridge either by means of wrought iron riveted tubing entirely separate from and independent of such bridge or in a manner to be shown on plans previously submitted to and reasonably approved by the surveyor to the county council of the west riding of Yorkshire or in case of difference to be determined by arbitration in accordance with subsection (6) of the said section.

For protec-  
tion of  
Bradford  
Corporation.

**20.** For the protection of the lord mayor aldermen and citizens of the city of Bradford (in this section referred to as "the Bradford Corporation") the following provisions shall unless otherwise agreed in writing between the Bradford Corporation and the Corporation apply and have effect (that is to say):—

- (1) Not less than one month before commencing to construct the aqueduct conduit or line or lines of pipes (Work No. 4) by this Act authorised in any street or road in which any main pipe or apparatus for or in connection with the supply of water (all of which are in this section referred to as and included in the expression "apparatus") of the Bradford Corporation is laid down or placed the Corporation shall deliver to the Bradford Corporation plans and sections of the said work and particulars of the proposed manner of executing the same:
- (2) The said Work No. 4 shall if and so far as is reasonably practicable be laid in such manner in any such street or road as not to interfere with the apparatus of the Bradford Corporation and in any case the Corporation shall not interfere with such apparatus to a greater extent or in any other manner than is reasonably necessary:
- (3) If the said Work No. 4 will in the reasonable opinion of the waterworks engineer of the Bradford Corporation endanger any of their apparatus or impede the supply of water the Bradford Corporation within fourteen days after the receipt by them of the said plans sections and particulars may give notice to the Corporation to execute works for the protection



of such apparatus in such manner as may be reasonably necessary and any difference as to the reasonable necessity for or the extent or nature of such protective works shall be settled by arbitration :

- (4) All such protective works shall be done and executed by and at the expense of the Corporation but to the reasonable satisfaction and under the superintendence (if given) of the said engineer of the Bradford Corporation and the Corporation shall give to the Bradford Corporation at least fourteen days' notice in writing of the date on which any such works will be commenced. Provided that if the Bradford Corporation by notice in writing to the Corporation within seven days after the receipt by them of notice of the intended commencement by the Corporation of any such works so require the Bradford Corporation may by their own waterworks engineer or workmen do and execute those works to the reasonable satisfaction and under the superintendence (if given) of the waterworks engineer of the Corporation and the Corporation shall on completion thereof pay to the Bradford Corporation the expenses reasonably incurred by them in the execution thereof :
- (5) If any interruption in the supply of water by the Bradford Corporation shall be in any way occasioned or if any substantial loss of water shall be sustained by the Bradford Corporation by reason of any act or omission of the Corporation or of any of their contractors agents workmen or servants the Corporation shall make full compensation to the Bradford Corporation for and indemnify them against all damages losses claims or expenses incurred by or caused to them by or by reason or in consequence of such interruption or loss the amount of such compensation failing agreement to be settled by arbitration :
- (6) The expense of all repairs or renewals of any apparatus of the Bradford Corporation or any works in connection therewith which may be

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rendered necessary by any act or default of the Corporation their contractors agents workmen or servants at any time or by reason of any subsidence resulting from the works of the Corporation whether during the construction of the said works or at any time within one year from the completion thereof shall be borne and paid by the Corporation :

- (7) Any difference which may arise between the Corporation and the Bradford Corporation under this section shall be settled by a single arbitrator to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers.

For protec-  
tion of  
Elland  
Urban  
District  
Council.

**21.** By way of addition to and not in diminution or restriction of the provisions of the Waterworks Clauses Act 1847 with respect to the interference with and restoration and repair of roads or incident thereto the following provisions shall with respect to roads or streets sewers drains and gas and water pipes interfered with by the Corporation within the district of the Elland Urban District Council (in this section called "the council") have effect namely :—

- (a) In constructing any works authorised by this Act it shall not be lawful for the Corporation to alter the level of any such road or street sewer drain gas pipe or water pipe belonging to or under the control of the council except with the consent of the council :
- (b) Any works of alteration of sewers drains or gas pipes or water pipes belonging to the council which may be rendered necessary by the works authorised by this Act shall be executed according to plans to be approved by the surveyor for the time being of the council and shall be executed by the workmen of the council under the superintendence of such surveyor and to his satisfaction and all reasonable costs and expenses of and incident to such works shall be paid by the Corporation to the council forthwith on the completion of such works :
- (c) A clear and sufficient carriageway shall so far as practicable be kept for the passage of carriages and traffic along every such road or street during any interference therewith by the Cor-



poration for the purposes of this Act and in case of default in reasonable compliance with this enactment the council may by their own servants and workmen clear and keep clear such carriageway and may recover the expenses of and incident thereto from the Corporation:

- (d) No greater length than one hundred yards of any such road or street shall be broken up at any one place at one time without the consent of the council nor without the like consent shall any works be carried on at the same time within that district at a less interval than two hundred yards from each other and in case any trench or cutting on any such road or street shall be flooded with water the Corporation shall not cast the same upon any part of such road or street but shall by proper means convey such water away to the nearest convenient sewer drain or channel of sufficient capacity or to such sewer drain channel or place as shall be reasonably pointed out by the surveyor of the council:
- (e) The Corporation shall pay to the council full compensation for all damage (if any) occasioned during the progress of the works by this Act authorised to those parts of the roads in the district of the council in or through which any mains authorised by this Act shall be laid which may not be actually broken up but which by reason of the increased traffic thrown thereon or otherwise may be prejudicially affected by such works and if any dispute shall arise as to whether any such damage has been so occasioned or as to the amount of such compensation every such dispute shall be settled by arbitration in the manner provided by the Lands Clauses Consolidation Act 1845:
- (f) No water main shall be laid down by the Corporation in any road or street within the district of the council within such a distance as may prevent the council from having sufficient access for the purposes of reparation and renewal to any main sewer or pipe belonging to the council and laid down in the same road or street.

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For mutual  
protection  
of Hudders-  
field Corpo-  
ration and  
Corporation.

22. For the mutual protection of the mayor aldermen and burgesses of the borough of Huddersfield (in this section referred to as "the Huddersfield Corporation") and the Corporation the following provisions shall unless otherwise agreed in writing between the Huddersfield Corporation and the Corporation apply and have effect (that is to say):—

- (1) The Corporation shall construct Work No. 4 (Aqueduct No. 2) by this Act authorised in the urban districts of Greetland and Elland and the borough of Brighouse so that it shall not so far as reasonably practicable be under the tramway track of the Huddersfield Corporation :
- (2) Not less than one month before commencing to construct renew or reconstruct the said Work No. 4 in any street or road in the said urban districts and borough in which a tramway of the Huddersfield Corporation is situate the Corporation shall deliver to the Huddersfield Corporation for their reasonable approval plans and sections of such work and particulars of the proposed manner of executing the same so far as they will affect such tramway and if at the expiration of twenty-one days from such delivery the Huddersfield Corporation shall not have disapproved the said plans sections and particulars they shall be deemed to have approved thereof and if any difference shall arise concerning the said plans sections and particulars such difference shall unless otherwise agreed be settled by arbitration as in this section provided :
- (3) The said Work No. 4 shall be constructed renewed or reconstructed as the case may be in accordance with the plans sections and particulars so approved or settled as aforesaid :
- (4) If the said Work No. 4 will in the reasonable opinion of the Huddersfield Corporation endanger any part of their said tramway the Huddersfield Corporation within fourteen days after the receipt by them of the said plans sections and particulars may give notice in writing to the Corporation to execute works for the protection of such tramway in such manner



as may be reasonably necessary and any difference as to the reasonable necessity for or the extent or nature of such works shall be settled by arbitration as in this section provided :

- (5) All such protective works shall be done and executed by and at the expense of the Corporation but to the reasonable satisfaction and under the reasonable superintendence (if given) of the borough engineer of the Huddersfield Corporation and the Corporation shall give to the Huddersfield Corporation at least fourteen days' notice in writing of the date on which any such works will be commenced :
- (6) The Corporation shall repay to the Huddersfield Corporation any reasonable expenses to which the Huddersfield Corporation may be put in connection with their said tramway by reason of the construction reconstruction or renewal of the said Work No. 4 and any loss which the Huddersfield Corporation may incur in connection with the said tramway and which may reasonably be attributed to the construction reconstruction or renewal of the said Work No. 4 :
- (7) If the Huddersfield Corporation require to execute any work in connection with or to reconstruct or renew any part of their existing tramways in any street or road in the borough of Brighouse in which any aqueduct of the Corporation (existing at the passing of this Act) which may be affected thereby is situate the Huddersfield Corporation shall deliver to the Corporation for their reasonable approval plans and sections of such work or of such reconstruction or renewal and particulars of the proposed manner of executing the same and if at the expiration of twenty-one days from such delivery the Corporation shall not have disapproved the said plans sections and particulars they shall be deemed to have approved thereof and if any difference shall arise concerning the said plans sections and particulars such difference shall unless otherwise agreed be settled by arbitration as in this section provided Any such work

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- renewal or reconstruction shall be executed in accordance with the plans sections and particulars so approved or settled as aforesaid :
- (8) If any such work or renewal or reconstruction will in the reasonable opinion of the water engineer of the Corporation endanger any aqueduct of the Corporation the Corporation within fourteen days after the receipt by them of the said plans sections and particulars may give notice in writing to the Huddersfield Corporation to execute works for the protection of such aqueduct or aqueducts in such manner as may be reasonably necessary and any difference as to the reasonable necessity for or the extent or nature of such works shall be settled by arbitration as in this section provided :
- (9) All such last-mentioned protective works shall be done and executed by and at the expense of the Huddersfield Corporation but to the reasonable satisfaction and under the reasonable superintendence (if any) of the water engineer of the Corporation and the Huddersfield Corporation shall give to the Corporation at least fourteen days' notice in writing of the date on which any such works will be commenced :
- (10) The Huddersfield Corporation shall repay to the Corporation any reasonable expenses to which the Corporation may be put in connection with their said works by reason of the construction reconstruction or renewal of such tramway :
- (11) Any difference which may arise between the Corporation and the Huddersfield Corporation under this section shall be settled by a single arbitrator to be appointed failing agreement upon the application of either party by the President of the Institution of Civil Engineers.

For protec-  
tion of  
London and  
North  
Eastern  
Railway  
Company.

**23.** The following provisions for the protection of the London and North Eastern Railway Company (in this section called "the company") shall unless otherwise agreed between the company and the Corporation apply and have effect :—

- (1) In carrying Work No. 4 by this Act authorised under the railway of the company in the



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urban district of Birstall so far as the said work may interfere with any bridge or property of the company forming part of the said railway as also in effecting the maintenance repair and renewal of the said work at the point aforesaid so far as such maintenance repair or renewal may interfere with any such bridge or property the same and all works forming part thereof shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the company and (except in cases of emergency) before commencing any such works the Corporation shall deliver to the said principal engineer plans sections and specifications of the works proposed to be executed and such plans sections and specifications shall be delivered at least twenty-one days before the commencement of any such work and if at the expiration of twenty-one days from such delivery of the plans sections and specifications the said principal engineer shall not disapprove the same he shall be deemed to have approved thereof and if any difference shall arise concerning the said plans sections and specifications such difference shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned and all such works shall when commenced be completed with due despatch in accordance with the plans sections and specifications so approved or settled as aforesaid and shall be executed by and in all things at the expense of the Corporation and so as not to cause any injury to the said bridge or property or interruption to the passage or conduct of the traffic over the said railway and if by the execution of such works any injury shall arise to the said railway bridge or property or interruption to such traffic the Corporation shall make full compensation to the company in respect of such injury or interruption :

- (2) In laying down or executing or in effecting repairs and renewals of any mains pipes or other works under the powers of the sections of this Act whereof the marginal notes are "Applica-

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tion of Waterworks Clauses Act 1847 to aqueducts and telephones" and "Further powers in relation to water mains" upon across over under or in any way affecting the railways belonging to the company or the lands property bridges approaches viaducts stations or other works of the company connected with such railways or any level crossings over the railways of the company the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the company and (except in cases of emergency) only according to plans to be submitted to and reasonably approved by him or in case of difference settled by arbitration as hereinafter provided. Provided that if the said principal engineer shall not disapprove the said plans within fourteen days from the submission thereof he shall be deemed to have approved thereof. Such works shall be carried out in all things by and at the expense of the Corporation who also shall restore and make good the roads over any such bridges level crossings and approaches which the company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any such operations of the Corporation and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic on such railways and if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works arising otherwise than by reason of any act or default of the company the Corporation shall make compensation in respect thereof to the company :

- (3) If any difference shall arise between the company or their engineer and the Corporation under this section such difference shall on the application of either party be referred to and determined



by an engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers. A.D: 1923.

24. The following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter referred to as "the company") shall unless otherwise agreed between the company and the Corporation have full force and effect:—

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

- (1) (a) The Corporation may purchase and take and if required so to do the company shall sell and grant according to their estate and interest in and subject to all easements rights and covenants affecting the same an easement or right of constructing or maintaining Work No. 4 (Aqueduct No. 2) by this Act authorised in upon or over the occupation bridge crossing the Ripponden Branch Railway of the company between the lands Nos. 1 and 2 on the deposited plans for the parish of Norland in such manner as may be reasonably approved by the company;
  - (b) The consideration to be paid for any easement or right to be acquired by the Corporation under the last preceding paragraph of this subsection shall in case of dispute be determined in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement;
  - (c) If the company shall at any time require to remove the said bridge they shall grant to the Corporation an easement or right of constructing and maintaining the said Work No. 4 under the said Ripponden Branch Railway in a position as nearly as possible adjacent to the existing aqueduct of the Corporation under the said railway and the said work shall then be constructed and maintained accordingly in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the principal engineer of the company and under his superintendence (if the same be given):
- (2) In carrying the said work on the said occupation bridge over the said Ripponden Branch Railway

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and under the Stainland Branch Manchester and Normanton Bailiff Bridge Branch Cleckheaton Branch and Heaton Lodge and Wortley Railways of the company so far as the said work may in the case of every such railway affect any bridge or property of the company forming part of the railway as also in effecting the maintenance repairs and renewals of the said work at the points aforesaid so far as such maintenance repairs or renewals affect any such bridge or property the same and all works forming part thereof shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the company and (except in cases of emergency) before commencing any such works the Corporation shall deliver to the said principal engineer plans sections and specifications of the works proposed to be executed and such plans sections and specifications shall be delivered at least twenty-one days before the commencement of any such work and if at the expiration of twenty-one days from such delivery of the plans sections and specifications the said principal engineer shall not disapprove the same he shall be deemed to have approved thereof and if any difference shall arise concerning the said plans sections and specifications such difference shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned and all such works shall when commenced be completed with due despatch in accordance with the plans sections and specifications so approved or settled as aforesaid and shall be executed by and in all things at the expense of the Corporation and so as not to cause any injury to the said railways works lands or property or interruption to the passage or conduct of the traffic over the said railways and if by the execution of such works any injury shall arise to the said railways works lands or property or interruption to such traffic the Corporation shall make full compensation to the company in respect of such injury or interruption :



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(3) The Corporation shall at all times maintain the said work and all works forming part thereof where the same are carried across the railways works or property of the company in substantial repair and good order and condition to the reasonable satisfaction of the said principal engineer and if and whenever the Corporation fail so to do the company may make and do all such works and things as may be reasonably requisite in that behalf and the expenditure so reasonably incurred by the company shall be repaid to them by the Corporation :

(4) If by reason of any works or proceedings of the Corporation or of their contractors or of their workmen or of the leakage bursting or failure of the said work or works forming part thereof otherwise than by reason of any act or default of the company the said railways or any of the works or lands thereof shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do or in case of emergency the company may do all such works and things as may be reasonably requisite to make good the same and recover the expenditure so reasonably incurred from the Corporation and if any interruption shall be caused to the traffic of the said railways by reason of any of the works of the Corporation or of any such leakage bursting or failure as aforesaid the Corporation shall make good and repay to the company any loss damage or expense which they may sustain or be put to by reason of the construction of such leakage bursting or failure of the said work or works or in respect of the interruption of the traffic of the said railways :

(5) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall not without the previous consent of the company under their common seal purchase or acquire any lands or property

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—

of the company but the Corporation may purchase and take and the company shall sell and grant accordingly an easement or right of using so much of the lands or property of the company as may be necessary for the construction and maintenance of the said work :

- (6) The Corporation shall bear and on demand pay to the company the reasonable expense of the employment by them during the making or maintenance of the said work and all works forming part thereof across the said railways and works of a sufficient number of inspectors signalmen or watchmen for inspecting such works and for watching the said railways and the conduct of the traffic thereon with reference to and during the execution and maintenance of such works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Corporation with reference thereto or otherwise :
- (7) In the event of the Corporation constructing the said work under any bridge of the company at a lower level than the foundations of such bridge any underpinning which may be reasonably necessary to ensure the stability of such bridge in consequence of the laying of the said work shall (on the company giving at least seven days' notice thereof to the Corporation) be executed by the company but in all things at the cost of the Corporation :
- (8) Before the Corporation commence the construction of the said work any temporary works which may be reasonably necessary to ensure the stability of the railway of the company may and shall be carried out by the company for the Corporation according to plans sections and specifications to be previously agreed with the Corporation or approved by an arbitrator and the reasonable costs thereof and any expenses incurred in connection therewith (including compensation payable to any workmen or their legal representatives or dependents who may be injured or killed whilst



employed by the company in and about such works) shall be repaid by the Corporation to the company on demand Provided that the company shall on becoming aware of any injury or accident to any such workmen forthwith give notice thereof to the Corporation :

- (9) If it shall be agreed between the Corporation and the company or decided by an arbitrator (either before or during the construction or after the completion of the said work) that any further or other works or appliances or measures of precaution are reasonably required either by way of addition to the existing railway or in connection with the said work or in relation to the method of construction of the said work so as to prevent subsidence or injury happening to the said railway owing to or in consequence of the execution of the said work the Corporation shall on being thereunto required in writing under the hand of the said engineer make and execute at their own expense and according to plans sections and specifications to be approved by him or the arbitrator such works or take such measures of precaution including the temporary cessation of the construction of the said work as the said engineer or arbitrator shall require :
- (10) In laying down or executing or in effecting repairs and renewals of any mains pipes or other works under the powers of the section of this Act whereof the marginal notes are " Application of Waterworks Clauses Act 1847 to aqueducts and telephones " and " Further powers in relation to water mains " upon across over under or in any way affecting the railways belonging to the company or the lands property bridges approaches viaducts stations or other works of the company connected with such railways or any level crossings over the railways of the company the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the company and (except in cases of emergency) only according to plans to be submitted to and reasonably approved

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by him or in case of difference settled by arbitration as hereinafter provided. Provided that if the said principal engineer shall not disapprove the said plans within fourteen days from the submission thereof he shall be deemed to have approved thereof. Such works shall be carried out in all things by and at the expense of the Corporation who also shall restore and make good the roads over any such bridges level crossings and approaches which the company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any such operations of the Corporation and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic on such railways. And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works arising otherwise than by reason of any act or default of the company the Corporation shall make compensation in respect thereof to the company:

- (11) If any difference shall arise between the Corporation and the company or their respective engineers under this section such difference shall be referred to and determined on the application of either party by an engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

For protec-  
tion of  
Spen-  
borough  
Urban  
District  
Council.

**25.** For protection of the Spenborough Urban District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Corporation and the council apply and have effect (that is to say):—

- (1) Not less than fourteen days before commencing the execution of Work No. 4 authorised by this Part of this Act within a distance of five yards from any sewer drain gas or water main pipe electric cable or other work for the time being



belonging to the council or any apparatus connected therewith (all of which are in this section together referred to as "works of the council") the Corporation shall furnish to the council plans sections and particulars of such work :

(2) If and so far as the execution of the said Work No. 4 by the Corporation involves any alteration of any apparatus of the council such alteration shall only be carried out in accordance with the said plans sections and particulars as reasonably approved by the council. Provided that if the council fail for a period of fourteen days after the submission to them of the said plans sections and particulars to express in writing their disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof and that if within the said period of fourteen days the council in writing express their disapproval of the said plans sections and particulars or make any requirement in relation thereto with which the Corporation are unable or unwilling to comply a difference shall be deemed to have arisen between them with respect to the said plans sections and particulars :

(3) If the council shall be of opinion that the execution of any work shown on the plans and sections furnished to them by the Corporation as aforesaid will injuriously affect the stability of any works of the council (whether the execution of such first-mentioned work will involve any alteration of such works of the council or not) the council may at any time within fourteen days after the submission to them of the said plans sections and particulars by notice in writing require the Corporation to raise lower or otherwise alter the position of or to support such works of the council and if the Corporation shall not within fourteen days after the receipt of any such notice from the council intimate to them in writing their objection thereto the Corporation shall be deemed to assent to the requirements of the notice and shall in executing the said work at their own

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expense comply with such requirements but if within such period of fourteen days as last aforesaid the Corporation shall in writing intimate to the council any objection to the said requirements a difference shall be deemed to have arisen between them with respect thereto :

- (4) The Corporation shall not lay any part of the said Work No. 4 at a less distance than one foot six inches from any works of the council except where it may be necessary for the said Work No. 4 to be laid across such works of the council in which case the said Work No. 4 shall be so laid as to leave between the same and the works of the council a space of at least one foot and shall be self-supporting for a distance of at least three feet on either side of the point of crossing :
- (5) The said Work No. 4 shall be executed so as not to prevent or so far as practicable render less convenient access by the council to their works for the purpose of repair alteration or removal thereof :
- (6) The said Work No. 4 shall be so executed within the district of the council as not to stop or so far as practicable impede or interfere with any traffic and the Corporation shall not break up at any one time a greater consecutive length of any street or road in the district of the council than fifty yards at any place where only one vehicle can pass at the side of the opening or two hundred yards where only two vehicles can pass at the same time :
- (7) If the council shall incur any additional expense in the maintenance of any works of the council or in the maintenance of any street or road repairable by the council by reason or in consequence of the execution of the said Work No. 4 the Corporation shall repay to the council the amount of such additional expense :
- (8) If any interruption in the supply of gas or water or in the flow of sewage or drainage through any works of the council shall be in any way occasioned by reason either of the execution



or failure of any of the said Work No. 4 the Corporation shall make good to the council any loss damage or expense which may be occasioned to them by reason or in consequence of such interruption and shall indemnify the council from any claim or demand in respect thereof :

(9) The provisions of this section shall be in addition to and not in derogation of the provisions of any Act incorporated with or applied by this Act which may enure for the protection or benefit of the council :

(10) If any difference shall arise between the Corporation and the council under this section such difference shall be determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) 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 determination.

**26.** The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Limiting powers of Corporation to abstract water.

**27.—(1)** For the purpose of constructing enlarging extending repairing cleansing or examining any of the waterworks of the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse.

Temporary discharge of water into streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration.

(3) Any water discharged by the Corporation in exercise of the powers of this section shall be as free as may be reasonably practicable from mud or solid or offensive matter.

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(4) The provisions of this section shall not be exercised so as to damage the railways or works of the London and North Eastern Railway Company.

Application of Waterworks Clauses Act 1847 to aqueducts and telephones.

**28.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road (whether within or without the limits within which the Corporation are empowered to supply water) of the aqueducts and lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus required to be erected or laid down by the Corporation for the purposes of their water undertaking.

For protection of Postmaster-General.

**29.** Any telephone or telegraph posts wires conductors or apparatus made maintained laid down or erected by the Corporation under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Further powers in relation to water mains.

**30.** The Corporation shall have and may exercise the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district so far as that section relates to the carrying of water mains into through under across or on any lands other than streets or roads and for the purposes of that section the limits for the time being of the Corporation for the supply of water shall be deemed to be the district of the Corporation.

Works to form part of water undertaking.

**31.** Subject to the provisions of this Act the works by this Act authorised shall for all purposes be deemed part of the water undertaking of the Corporation.

Interference with valve pipes and fittings.

**32.** Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any



damage by them sustained Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe. A.D. 1923.

**33.**—(1) If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Corporation to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs if found to be necessary 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.

Power to Corporation to repair communication pipes.

(2) Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier (if the communication pipe is repairable by him) of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

#### PART IV.

##### STREETS BUILDINGS SEWERS AND DRAINS.

**34.**—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within fourteen days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

Lopping of trees overhanging highways.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within fourteen clear days after the service of such notice provided he gives written notice

A.D. 1923.

of such appeal and the grounds thereof to the town clerk at or before the time of lodging the appeal and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Building  
line in new  
streets.

**35.**—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called “the building line”) and the Corporation shall be deemed to have approved any building line so shown unless within one month after the date of submission thereof as aforesaid they shall have signified to the person submitting the same their disapproval thereof.

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line has been approved by the Corporation nor beyond or in front of the building line approved by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Corporation.

(4) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of the street than one-half of the width of the street and ten feet in addition the Corporation shall make compensation to the owner of



any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

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(5) For the purposes of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

(7) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section may within fourteen days from the date of such requirement appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

**36.**—(1) The Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed at or within a distance of fifteen yards from the corner of any street. The line which in any case the Corporation propose so to prescribe and define shall be definitely marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to the owners of the premises affected. No new building erection excavation or obstruction shall be made or remade nearer to the centre of the street or streets at such corner than such line.

As to  
erection of  
buildings  
at street  
corners.

(2) The Corporation may and if required by the owner shall purchase the land lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money

A.D. 1923. shall in case of difference be settled by arbitration under the Acquisition of Land (Assessment of Compensation) Act 1919.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make compensation to the owner of and to persons interested in any land or building for any loss or damage they may sustain in consequence of such line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept.

(4) If after any such line shall be so defined and prescribed as aforesaid any person shall act contrary to this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty of the like amount.

(5) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street corner shall be fairly estimated and shall be set off against the said compensation or purchase money.

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

**37.**—(1) Before placing or erecting any hoarding or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding or fence proposed to be so placed or erected.

(2) If the placing or erection of such hoarding or fence would constitute a danger to the traffic in the streets of the borough upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit



If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

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

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

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

**38.**—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal The advertisement in the newspaper shall include notice of this proviso.

Adjustment  
of bound-  
aries of  
streets.

(2) Any four inhabitant householders of the borough may appeal to a petty sessional court against any proposal of the Corporation as to an adjustment of the boundaries

A.D. 1923. of a street under this section within the period mentioned in subsection (1) of this section.

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

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

Develop-  
ment  
scheme may  
be required  
in connec-  
tion with  
new streets.

**39.**—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section may within fourteen days from the date of such requirement appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

Power to  
define future  
line of  
existing  
streets.

**40.**—(1) Where any street or road in the borough repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time



prescribe and define what shall thereafter be the line of frontage on either side of such street or road. A.D. 1923.

The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises.

No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the street or road and such land when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled in manner provided by the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.

(3) Whenever in any of the above cases the Corporation shall require the line prescribed by them to be observed and kept they shall make full compensation to the owner of and other persons interested in any land for any loss or damage he or they may sustain respectively in consequence of the line of frontage being set back and kept and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation for all damage and loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring such line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom

A.D. 1923. — the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further powers as to future line of street.

41.—(1) The Corporation may at any time after prescribing and defining the line of frontage of any street in pursuance of the power conferred upon them by the section of this Act of which the marginal note is "Power to define future line of existing streets" on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such line of frontage at the date when the same was so prescribed or defined shall be pulled down set back or altered so that the same shall not project beyond or in front of such line of frontage.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Arbitration Act 1889 but in estimating the amount of any such compensation the benefit arising from the widening or improvement



of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation. A.D. 1923.

(5) After any such line of frontage shall be so prescribed and defined as aforesaid any person who shall act contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

42. The Corporation (if in the circumstances of the case they think it expedient so to do) may make it a condition of approving the plans for any new street that so soon as any building shall be erected or commenced to be erected in such new street the owners of such new street shall provide a paved crossing of granite or other suitable material four feet in width across the end of such street nearest to such building and across every street intersecting either side of such new street between such building and such end of the new street Any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings :

Paved crossings to be provided in new streets.

Provided that nothing in this section shall empower the Corporation to require the execution of any works in a street repairable by the inhabitants at large.

43. In the application to the borough of section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 subsection (2) of that section shall not apply.

Amendment of section 17 of Public Health Acts Amendment Act 1907.

44. The Corporation may erect or fix street fire alarms in such positions in any street road or public place within the borough as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 :

Fire alarms.

Provided further that the Corporation shall not erect or fix any street fire alarm in such a position as to interfere with or render less convenient the access to or egress from any station or depôt of any railway company.

A.D. 1923.

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Sanitary conveniences for workmen engaged on buildings.

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

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

Powers on inspection.

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

Byelaws as to admission of light to buildings.

**47.** Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws for securing the lighting of new buildings and in cases where structural alterations are proposed to be made of existing buildings.

Larders to be provided.

**48.**—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) (a) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so



provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

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

(d) If in any case the owner alleges that the occupier of any dwelling-house in respect of which any work is required to be executed under the provisions of this subsection ought to bear or contribute to the expenses of the execution of such work he may apply to a court of summary jurisdiction and such court shall have power to make such order as the court may think fit.

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

As to  
dangerous  
buildings.

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

A.D. 1923. shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the borough.

Improper construction or repair of water-closets &c.

**50.**—(1) If a water-closet drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair is not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds.

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

As to repair of private drains.

**51.** If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit.

Prohibiting entry of petroleum spirit &c., into sewers.

**52.**—(1) Every person who wilfully or negligently turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any petroleum spirit or carbide of calcium from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(2) In this section the expression "petroleum spirit" means such crude petroleum oil made from petroleum



coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum as when tested in manner set forth in Schedule I. to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

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**53.** If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation with which he is entitled to have such sewer or drain made to communicate such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Corporation to make communications between private drains and their sewers on payment &c.

**54.**—(1) The Corporation may by notice in writing require the owner or occupier of any house office warehouse shop stall or workshop to provide and maintain in proper order and condition portable galvanised iron refuse bins and such bins shall be of such number size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings :

Regulation bins for refuse &c.

Provided that this section shall not apply in respect of any premises where ashpits ashtubs or other receptacles for refuse are in use at the passing of this Act so long as the same are of suitable number material size and construction and in proper order and condition.

(2) Section 33 (Regulation dustbins) of the Morley Corporation Act 1905 is hereby repealed.

**55.** The provisions of this Part of this Act shall not extend or apply to any railway building (not used as a dwelling-house) drain (other than from premises used as a dwelling-house) or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of its statutory powers or to any lands held or acquired by such company and used for the purposes (other than for a dwelling-house) of its undertaking with the authority of Parliament.

Saving for London and North Eastern Railway Company.

A.D. 1923.

## PART V.

## INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Power to  
close  
Sunday  
schools to  
prevent  
spread of  
disease &c.

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

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

(3) "Sunday school" means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday.

Special  
provisions  
to prevent  
spread of  
infectious  
disease.

**57.** Any parent or guardian having personal charge of a child in attendance at a school who is aware of or has reason to suspect the occurrence of any infectious disease in any member of the family and who fails forthwith to notify such occurrence to the head teacher of the school shall be liable to a penalty not exceeding twenty shillings. Provided that in any proceeding under this section a certificate purporting to be under the hand of the head teacher of an elementary school a continuation school or any other school under the control of the Corporation stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate.

Extended  
meaning of  
"infectious  
disease"  
for certain  
purposes.

**58.** For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles german measles whooping cough chicken-pox and influenza.

Corporation  
may supply  
antidotes  
against  
infectious  
disease.

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



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

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—  
Prohibiting  
use of  
inedible fats  
in food.

**61.** The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the manufacture preparation storage transport or exposure for sale of any article intended to be sold for the food of man. Provided that before making any such byelaw applicable to the transport of any article by any railway company or to or from any railway station or depôt of any such company the Corporation shall give not less than one month's notice to the company affected of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and such company shall be entitled to make representations to the Minister of Health with regard thereto:

Byelaws for  
places used  
for prepara-  
tion of food.

Provided also that before confirming any byelaws made as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts 1901 to 1920 apply the Ministry of Health shall consult the Secretary of State.

**62.—(1)** From and after the passing of this Act the following provisions shall apply to any room shop or other part of a building within the borough in which any article whether solid or liquid intended or adapted for the food of man is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale:—

Sanitary  
regulations  
for premises  
where food  
is deposited  
for sale.

(a) No urinal water-closet earth-closet privy ashpit or other like sanitary convenience shall be

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within such room shop or other part of a building or shall communicate therewith except through the open air or through an intervening ventilated space;

- (b) No cistern for supplying water to such room shop or other part of a building shall be in direct communication with and directly discharge into any such sanitary convenience;
- (c) No drain or pipe for carrying off faecal or sewage matter shall have any inlet or opening within such room shop or other part of a building;
- (d) No such room shop or other part of a building shall be used as a sleeping place and so far as may be reasonably necessary to prevent risk of the infection or contamination of any such article as aforesaid no sleeping place shall adjoin such room shop or other part of a building and communicate therewith except through the open air or through an intervening ventilated space;
- (e) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of a building except so far as may be reasonably necessary for the proper carrying on of trade or business;
- (f) Due cleanliness shall be observed in regard to such room shop or other part of a building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of a building.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any factory or workshop within the meaning of the Factory and Workshop Act 1901.



**63.** Every veterinary inspector of the Corporation may exercise the powers of section 116 (Power of medical officer of health to inspect meat &c.) of the Public Health Act 1875 in the same manner as the medical officer or the sanitary inspector and the Public Health Acts shall apply within the borough as if such veterinary inspector were mentioned in the said section in addition to the medical officer and the sanitary inspector.

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

**64.**—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may within the borough examine the person and clothing of any child (other than children in boarding schools including reformatory and industrial schools) and if on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice.

Cleansing of children and their clothing.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act convey to such premises and there detain such child until such cleansing is effected.

(3) Where after the person or clothing of a child has been cleansed under the provisions of this section the parent or guardian or other person liable to maintain the child allows him to get into such a condition that it is again necessary to proceed under this section the parent guardian or other person shall on summary conviction be liable to a fine not exceeding ten shillings.

(4) The examination or cleansing of females under this section shall only be effected either by a registered

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medical practitioner or by a female person being a member of the staff of the Corporation.

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter to his usual or last known residence. In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of the child whose person or clothing requires to be cleansed.

(6) For the purposes of this section the expression "child" means a person under the age of fourteen years.

Prohibition  
on infected  
person  
carrying on  
business.

**65.** If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in any occupation connected with food intended for the use of man or knowingly carries on any trade or business connected with food intended for the use of man in such a manner as to be likely to spread the infectious disease he shall be liable on conviction to a penalty not exceeding forty shillings.

Persons to  
furnish  
names of  
laundrymen  
to whom  
clothes &c.  
from  
infected  
houses sent.

**66.** If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly. Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

For prevent-  
ing contact  
with body  
of person  
dying of  
infectious  
disease.

**67.** Any person who being in charge of the body of any person who has died from any infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds.



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

A.D. 1923.  
—  
Removal of  
body of per-  
son dying  
of infectious  
disease.

**69.**—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van or similar structure used for human habitation) or any part thereof would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or such part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice. If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer:

Disinfection  
in case of  
tuberculosis.

Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

A.D. 1923.

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

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

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

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the owners free of charge.

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

As to filthy premises.

**70.**—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if such officer is satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer



to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

A.D. 1923.

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

**71.**—(1) It shall not be lawful for any collector or dealer in rags or bones or similar articles or any person carrying on the business of a rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute within the borough any articles of food whilst engaged in or in connection with the business of rag and bone merchants.

Rag and bone dealers not to sell food.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

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

Registration of premises used for manufacture &c. of potted meats.

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

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

(4) This section shall not apply to any premises used as an hotel restaurant or club.

(5) Nothing contained in this section shall apply to or in respect of any premises forming part of the goods or passenger stations or the refreshment rooms at any station of any railway company.

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As to houses  
without  
water  
supply.

**73.**—(1) The owner of any dwelling-house erected after the passing of this Act which is not provided with a proper and sufficient water-supply within such dwelling-house who shall occupy or allow to be occupied such dwelling-house and the owner of any dwelling-house erected before the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy the same or allow the same to be occupied shall respectively be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings :

(2) Provided that—

(a) the owner of any dwelling-house erected before the passing of this Act shall not be liable to the penalties provided by subsection (1) of this section unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house with a proper and sufficient water-supply within such dwelling-house ;

(b) the Corporation shall repay to the owner of any such dwelling-house erected before the passing of this Act one-third of the amount reasonably expended by him in complying with the requirements of such notice (including the cost of providing and fixing any necessary sink and connection to the drain) ;

(c) this section shall not apply to a dwelling-house erected before the passing of this Act which has no scullery or to any dwelling-house in respect of which a sewer or drain and a water main are not reasonably available.

Public  
notice to be  
given of  
provisions  
of Part VI.  
and this  
Part of Act.

**74.**—(1) Public notice of the provisions of Part VI. (Slaughter-houses) and of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

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



PART VI.

A.D. 1923.

SLAUGHTER-HOUSES.

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

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

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

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

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

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

A.D. 1923. shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in respect of the closing of such slaughter-house.

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

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

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

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

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

(c) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the



A.D. 1923.

ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister of Health by that Minister and unless and until that Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above-mentioned shall be given to the owner or occupier of the slaughter-house in question.

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

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

## PART VII.

### POLICE &C.

**77.** Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at any head police office in the borough twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets. If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

Notice of  
processions  
to be given.

A.D. 1923.

As to street  
traffic.

**78.** The Corporation may delegate their powers under section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 to a committee consisting of not less than five members of the council and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the council.

Inspection  
and certifi-  
cation of  
taximeters.

**79.**—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

Vehicles at  
railway  
stations...

**80.** The provisions of the Town Police Clauses Act 1847 and the byelaws of the Corporation in force with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises within the borough as if such railway station or railway premises were a stand for hackney carriages or a street:

Provided that the provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicle:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or



starting place of any hackney carriage in any railway station or railway premises or in any yard belonging to a railway company except with the consent of the railway company owning such station premises or yard. A.D. 1923  
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**81.** Every person who shall on Sundays in any street or public place within the borough call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty for crying newspapers.

**82.** Section 98 of the Public Health Act 1875 shall in its application to the borough and in relation to the purposes referred to and numbered 8 in section 91 of that Act be read and have effect as if the sum of five pounds were referred to therein instead of the sums of ten shillings and twenty shillings. Penalties for nuisances from black smoke.

**83.** The provisions of section 91 of the Public Health Act 1875 shall extend to and be applicable in respect of the emission from any chimney (other than the chimney of any steam road wagon or traction engine or other mechanically propelled road vehicle) of any grit or gritty particles as if such grit or gritty particles were smoke arising from furnaces. Preventing nuisance caused by emission of grit from chimneys.

**84.** The provisions of the sections of this Act whereof the marginal notes are "Penalties for nuisances from black smoke" and "Preventing nuisance caused by emission of grit from chimneys" shall not apply to any locomotive steam engine used on the railway of any railway company incorporated by Act of Parliament. For protection of railway companies.

## PART VIII.

### RATING.

**85.**—(1) This Part of this Act shall come into operation as from the thirty-first day of March nineteen hundred and twenty-four. Commencement and interpretation.

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

"The parishes" means the parish of Morley and the township of Churwell;

"The overseers" means the overseers of the parishes;

A.D. 1923.

“The poor rate” means the poor rates of the parishes;

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

All expenses of Corporation to be paid out of borough rate.

**86.**—(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 and general district rate or either of them 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 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.

(2) The district fund shall be closed and any balance which on the date upon which this Part of this Act comes into operation is standing to the credit or to the debit of the district fund or the general district rate respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connection with the district fund or of the general district rate 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 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.

**87.** The contribution of the parishes to the borough rate shall be paid by the overseers out of the poor rate to be made for the parishes and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall apply to such contribution.

Poor rate to be called “the consolidated rate.”

**88.** The poor rate (inclusive of the contributions to the borough fund levied in pursuance of the provisions of this Act) shall be called “the consolidated rate” but



except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

A.D. 1923.

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

Differential consolidated rate in certain cases.

- (1) The owner of any tithes or any tithe commutation rentcharge or 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 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 as are in the parish of Morley a rate calculated on the basis of sixty-eight per centum only and in respect of such hereditaments as are in the township of Churwell a rate calculated on the basis of seventy-three and one half per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

Provided also that during the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say) :—

“ The owner of tithe rentcharge attached to a benefice in the parish of Morley shall be liable to pay only thirty-four per centum and the owner of tithe rentcharge attached to a benefice in the township of Churwell shall be liable to pay only thirty-six per centum of the amount payable under subsection (1) of the section of the Morley Corporation Act 1923 of which the marginal note is ‘ Differential consolidated rate in certain cases ’ in

A.D. 1923.  
—

respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining sixty-six per centum thereof as regards tithe rentcharge in the parish of Morley and the remaining sixty-four per centum thereof as regards tithe rentcharge in the township of Churwell shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of the estate duty grant” :

(2) Provided that—

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 as is in the parish of Morley a rate calculated on the basis of only one-third and in respect of such land as is in the township of Churwell a rate calculated on the basis of only nine twenty-fifths of the rate in the pound 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 as the amount of the share of the annual grant payable under that Act out of the local taxation account to any spending authority or the operation of the Ecclesiastical Tithe Rentcharges (Rates) Acts 1920 and 1922; or

(b) The amount of the contribution for any purposes to be made by the parishes 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



county contributions and expenses of the overseers respectively which is required to be stated in the demand note for the poor rate. A.D. 1923.

**90.**—(1) If any occupier referred to in subsection (1) of the section of this Act of which the marginal note is “Differential consolidated rate in certain cases” claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next practicable quarter sessions for the borough under and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days notice in writing of such appeal and of the ground thereof be given by the appellant to the Corporation and the overseers. Appeals.

(2) On appeals under this section the court to which such appeal shall be made shall have power to determine the amount payable by the occupier in respect of such rate and to award costs between the parties to the appeal.

**91.** The consolidated rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the consolidated rate shall be in such form as the Minister of Health may from time to time prescribe. Form of rate &c. to be prescribed by Minister of Health.

**92.** 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 parishes were an urban authority and the rate therein mentioned were the consolidated rate. Amendment of rates.

**93.** For the purposes of section 133 (Until completion of works promoters shall make good any deficiency of land tax and poor’s rate caused by lands being taken) 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. Application of section 133 of Lands Clauses Consolidation Act 1845.

**94.** 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 As to recovery of consolidated rate.

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— 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.

Service of demands.

**95.** Section 267 (Service of notices) of the Public Health Act 1875 shall apply to any demand for the consolidated rate to be served by the overseers.

Rating of owners instead of occupiers.

**96.**—(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 property does not exceed ten pounds; or
- (b) where the premises are let in separate apartments; or
- (c) where the rents are collected weekly :

Provided that—

(i) where the rateable value of the property does not exceed ten pounds the owner so rated shall be entitled to a deduction of fifteen per centum from the amount of the rate when paid by him if he shall pay the same within such period as the Corporation may determine not being less than three months after the rate has been demanded;

(ii) where the owner of any premises referred to in this subsection is willing to enter into an agreement to pay the rates whether the premises are occupied or not the Corporation may make a further allowance not exceeding fifteen per centum from the amount of the rate when paid by him within such period as the Corporation may determine not being less than three months after the rate has been demanded.

(2) When the Corporation exercise their powers under this section they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner and the owner shall pay the rate accordingly and during the currency of any such notice 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. A.D. 1923.  
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**97.**—(1) The overseers of the parishes may require the owner or occupier or reputed owner or occupier of any hereditament in the parishes (other than land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the First Schedule to this Act and containing the particulars therein mentioned or referred to : Overseers  
may require  
returns.

Provided that (except for purposes connected with the preparation of and preliminary to a general re-valuation for rating) the powers conferred by this section shall only be exercised—

- (a) upon any change in the occupation or ownership of any hereditament; or
- (b) upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament; or
- (c) in the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section.

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this section within fourteen days after receipt of such notice as aforesaid shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds and any person who wilfully makes or causes to be made a false return shall be liable to a penalty not exceeding ten pounds.

(3) The overseers of each parish shall whenever required by the assessment committee of the union in which such parish is situated produce from time to time to such committee the returns or any of them obtained by the overseers under the provisions of this section.

(4) Nothing in this section shall require any railway company to include in any return which they may be required to send to the overseers particulars with respect to their running lines sidings or stations.

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Repeal of  
certain  
sections of  
Act of 1913.

98. As from the date when this Part of this Act shall come into operation the following sections of the Act of 1913 shall be hereby repealed:—

Section 133 (General district rate may be assessed as borough rate);

Section 134 (Audit of accounts);

Section 135 (Owner may be rated instead of occupier in certain cases).

## PART IX.

## FINANCIAL AND MISCELLANEOUS PROVISIONS.

Power to  
borrow.

99.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues fund and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the fourth column thereof (namely):—

1	2	3	4
Purpose.	Amount.	Charge.	Period for Repayment.
(a) For and in connection with the purchase of land and easements for and in connection with the aqueducts authorised to be constructed by this Act.	£ 2,000	The revenue of the water undertaking the borough fund and the borough rate.	Sixty years from the date or dates of borrowing.
(b) For and in connection with the construction of the aqueducts authorised by this Act.	116,000	The revenue of the water undertaking the borough fund and the borough rate.	Forty years from the date or dates of borrowing.



1	2	3	4	A.D. 1923.
Purpose.	Amount.	Charge.	Period for Repayment.	
(c) For and in connection with the extension of mains and the general purposes of the water undertaking of the Corporation.	£ 20,000	The revenue of the water undertaking the borough fund and the borough rate.	Thirty years from the date or dates of borrowing.	
(d) For working capital in connection with the water undertaking of the Corporation.	10,000	The revenue of the water undertaking the borough fund and the borough rate.	Ten years from the date or dates of borrowing.	
(e) For paying the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.	

(2)—(a) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister of Health.

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

**100.** The following provisions of the Act of 1898 the Act of 1900 and the Act of 1913 shall with the necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act namely:—

Application of provisions of Acts of 1898 1900 and 1913.

The Act of 1898—

Section 44 Certain regulations of Public Health Act 1875 as to borrowing not to apply;

Section 45 Mode of raising money;

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- Section 46 Provisions of Public Health Acts as to mortgages to apply;
- Section 49 Sinking fund Provided that the said section shall be read and have effect as if the words "or the mortgage or debenture debts of the Morley Gas Company" were omitted therefrom and as if the words "three pounds ten shillings per centum per annum or such other rate as the Minister of Health may approve" were inserted in subsection (1) (b) of that section instead of the words "three per centum per annum";
- Section 50 Protection of lender from inquiry;
- Section 51 Corporation not to regard trusts;
- Section 52 Appointment of receiver;
- Section 54 Annual return to Local Government Board;
- Section 55 Application of money borrowed;
- Section 62 Audit of accounts; and
- Section 63 Inquiries by Local Government Board Provided that the said section 63 shall be read and have effect as if the word "five" were substituted for the word "three" in subsection (2) of that section.

## The Act of 1900—

- Section 51 Compensation how to be determined;
- Section 54 Informations by whom to be laid:

## The Act of 1913—

- Section 140 As to breach of conditions of consent of Corporation;
- Section 141 Confirmation of byelaws;
- Section 145 Consent of Corporation to be in writing;
- Section 146 Judges not disqualified.

Mode of  
payment off  
of money  
borrowed.

**101.** The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of



this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

A.D. 1923.

**102.**—(1) The Corporation shall have power—

Power to  
re-borrow

(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

(c) out of moneys derived from the sale of land; or

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

A.D. 1923.

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Power to  
invest all  
sinking  
funds in  
statutory  
securities.

**103.** 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 for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Interest on  
mortgages  
held jointly.

**104.** Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Power to use  
one form of  
mortgage  
for all  
purposes.

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

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

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

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

(5) Nothing in this section contained shall alter or affect the obligation of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.



(6) Nothing in this section contained shall alter or affect the obligation of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

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

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or

A.D. 1923. discharge any such mortgage or any moneys secured thereby.

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

Receipt in case of persons not sui juris.

**106.** If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Scheme for fixing equated periods.

**107.**—(1) The Corporation may at any time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Minister of Health who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act. Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any Corporation stock existing at that time except with the consent of such mortgagee or holder.

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

Extension of period for repayment of certain loans.

**108.** Where moneys have been borrowed by the Corporation and the Corporation have invested the moneys paid into the sinking fund formed in respect of such borrowed moneys in statutory securities which have depreciated and the amount in such sinking fund has accordingly become insufficient the period for the



repayment of such borrowed moneys shall be extended for such further period as the Minister of Health may sanction. A.D. 1923.

**109.** As from the first day of April nineteen hundred and twenty-three all money received by the Corporation on account of the revenue of their water undertaking (including the interest on any reserve fund by this Act authorised in connection with that undertaking when that fund amounts to the prescribed maximum) shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of that undertaking shall be paid out of that fund. Water revenue and expenses.

**110.—(1)** As from the first day of April nineteen hundred and twenty-three the Corporation shall keep their accounts in respect of their water undertaking so as to show under a separate heading or division on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as to show the amounts expended or set aside in respect of each of the following purposes (that is to say)— Accounts of water undertaking.

- (a) The payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Corporation consequent upon any proceedings by or against the Corporation their officers or servants in relation to the undertaking;
- (b) The payment of the interest on money borrowed by the Corporation for the purposes of the undertaking;
- (c) The provision of the requisite appropriations instalments or sinking fund payments in respect of money borrowed for the purposes of the undertaking;
- (d) The provision of a reserve fund which the Corporation are hereby authorised to form and maintain in respect of the undertaking by setting aside such an amount (not exceeding in any one financial year a sum of money equivalent to one-half per centum upon the total capital

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expenditure by the Corporation upon the undertaking as at the termination of the immediately preceding financial year) as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equivalent to one-tenth of the aggregate capital expenditure for the time being by the Corporation upon the undertaking.

(2) Any reserve fund formed for the purpose of the undertaking and in existence at the thirty-first day of March nineteen hundred and twenty-three shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works comprised in the undertaking or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens :

Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(4) Whenever the money received by the Corporation on account of the revenue of the undertaking shall exceed the amount expended or set aside in connection with the undertaking in respect of the several purposes mentioned in subsection (1) of this section then the charges of the Corporation for the supply of water in the borough to be made and charged in the next succeeding year shall be reduced in such manner as the Corporation think fit to an extent equivalent to the amount of such excess Provided that if owing to an increase in the estimated expenditure or to a reduction of the estimated revenue for that year the amount of such excess or any part thereof will be required in order that the revenue may be not less than the amount expended or set aside such reduction in the charges need be made only to the



extent (if any) equivalent to the amount that will not be required for that purpose.

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**111.** Whereas the accounts of the water undertaking of the Corporation show that at the thirty-first day of March nineteen hundred and twenty-three there was a deficit of six thousand two hundred and seventy-four pounds carried forward on the revenue account of the said undertaking Be it enacted as follows:—

Liquidation of existing deficit on revenue account of water undertaking.

The amount of the said deficit shall be carried to a suspense account in the books of the Corporation and one-third of the amount so carried to suspense account shall in each of the years ending on the thirty-first day of March in nineteen hundred and twenty-five nineteen hundred and twenty-six and nineteen hundred and twenty-seven respectively be paid out of the borough fund and treated as an expense of the water undertaking.

**112.** As from the first day of April nineteen hundred and twenty-three section 46 (Application of water revenue) and section 47 (Deficiency of funds of water-works) of the *Morley Corporation Water Act 1890* shall be repealed.

Repeal of existing provisions as to water revenue and deficiencies.

**113.** The Corporation shall from time to time appoint and pay one or more persons being members of the Institute of Chartered Accountants in England and Wales or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in addition to the auditors appointed under the *Municipal Corporations Act 1882*.

Corporation to appoint additional auditors.

**114.** Section 136 (Cesser of powers and duties of assistant overseers and poor rate collectors and of powers of authorities to appoint such officers and compensation to existing officers) of the Act of 1913 shall be read and have effect as if the expression "the guardians of the Dewsbury Union" wherever it occurs in that section were "the guardians of the Dewsbury Union and the guardians of the Holbeck Union" or "the guardians of the Dewsbury Union or the guardians of the Holbeck Union" as the case may require and as if the expression "the common fund of that union" were "the common fund of either of those unions" and sections 137 (Appointment of officers) and 138 (Assistant overseer and others

Amendment of section 136 of Act of 1913.

A.D. 1923. — to give security to Corporation) of that Act shall apply as if the said section 136 had been amended as in this section provided.

Use of swimming baths for exhibitions and entertainments.

**115.** The Corporation may close to the public and may reserve the exclusive use of any swimming bath or open bathing place belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or for any other entertainment or exhibition or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath or open bathing place such sums for the exclusive use of such bath or place or for admission of persons thereto as they may think fit.

Byelaws as to family and mixed bathing.

**116.** Notwithstanding anything to the contrary in the Baths and Washhouses Acts 1846 to 1899 contained the following provisions shall have effect:—

- (1) The power of the Corporation to make byelaws for the management use and regulation of the public baths shall extend to enable them to permit any swimming bath to be used for the purpose of family bathing (that is to say by any males and females members of families bathing together at the same time) or of mixed bathing (that is to say by males and females bathing together at the same time) during such hours and subject to such regulations as shall be prescribed in such byelaws provided that by such byelaws provision shall be made for ensuring that separate dressing accommodation shall be provided and used by males above eight years old and females respectively and proper costumes worn:
- (2) The provisions of sections 10 and 11 of the Baths and Washhouses Act 1878 shall apply in reference to such byelaws as if the same were made under that Act and the Corporation may accordingly exercise all the powers conferred upon them by the said sections in reference to the enforcement of such byelaws.

Increased charges for swimming baths.

**117.** Notwithstanding anything contained in section 4 (As to charges for swimming baths) of the Baths and Washhouses Act 1878 or in the schedule annexed to



that Act the Corporation may make such reasonable charges for the use of covered swimming baths provided by them under the powers of the Baths and Washhouses Acts 1846 to 1899 as they may determine not exceeding the following:—

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First class—Any sum not exceeding one shilling and fourpence for each person.

Second class—Any sum not exceeding eightpence for each person.

Third class—Any sum not exceeding fourpence for each person.

**118.** When any portion of a public park or pleasure or recreation ground is set apart by the Corporation for any purpose under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and specially laid out and maintained for any such purpose the Corporation may charge reasonable sums for the use thereof for that purpose.

Charge for use of parts of recreation grounds &c. set apart for certain purposes.

**119.**—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 or the School Teachers' (Superannuation) Act 1918 grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

Power to grant gratuities in certain cases.

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

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

A.D. 1923: — in any school college or hostel provided by the Corporation as the local education authority for the purposes of higher education.

Corporation may effect insurances of certain officers and servants.

**120.** The Corporation may insure against death or ill-health either as a class or individually all or any of their officers servants or employees who may be employed in or in connection with hospitals for infectious disease or who may be liable to special risk to life or health arising from infectious disease in carrying out their duties and may pay out of the fund to which the salary or wages of any such officer servant or employee so insured is chargeable the premiums or other payments in connection with such insurances and upon the happening of the contingency insured against shall apply the proceeds of any such insurance for the benefit of the employee insured or if he shall have died for the benefit of his dependants or if he have no dependants shall carry such proceeds to the credit of the fund out of which the premiums on the insurance were paid.

Service of summons on members of council.

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

Further powers as to entry upon premises.

**122.**—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.



**123.** Any expenses reasonably incurred by the Corporation in reconnecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

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—  
Powers to recover charge for reconnection.

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

Apportionment of expenses of sanitary works between different owners.

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

Power to enter premises.

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

Application of section 265 of Public Health Act 1875.

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

In executing works for owner Corporation liable for negligence only.

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Evidence of  
appoint-  
ments  
authority  
&c.

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

Damages  
and charges  
to be settled  
by justices.

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

Recovery of  
demands.

**130.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of  
penalties &c.

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

Penalties to  
be paid over  
to treasurer.

**132.** All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried



to the credit of the borough fund or to such other fund as the Corporation shall direct. A.D. 1923.

**133.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Parts IV. V. or VII. of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessional court the Corporation may in like manner appeal. As to appeal.

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

**135.** Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Summons or warrant may contain several sums.

**136.** If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part IV. (Streets buildings sewers and drains) and Part V. (Infectious disease and sanitary provisions) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order Penalty on occupier refusing execution of Act.

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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.

Authentica-  
tion and  
service of  
notices &c.

**137.**—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

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

Crown  
rights.

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

Costs of Act.

**139.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of moneys to be borrowed under this Act for that purpose.



The SCHEDULES referred to in the  
 foregoing Act.

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**FIRST SCHEDULE.**

**RETURN OF RENT OR ANNUAL VALUE AND OF OTHER  
 PARTICULARS TO BE RENDERED UNDER  
 THE MORLEY CORPORATION ACT 1923.**

<p>1. Name of the street or road &amp;c. in              which the property is situate -              Number of the house - - - -              (If not numbered state the name by              which known)              Whether occupied with or without              stables or other premises as part              of the same property - - - -              The quantity of land (if any) and              how used - - - - -</p>	
<p>2. Full Christian name and surname              of occupier - - - - -</p>	
<p>3. Name and address of owner or              immediate lessor - - - - -              (If not known state the name and              address of the agent or person to              whom the rent is paid)</p>	
<p>4. Whether the property is occupied—              (a) Wholly as a private resi-              dence - - - - - (a)              or (b) Partly as a dwelling-house              and partly for trade or              business purposes - - - - (b)              or (c) Solely for trade or business              purposes with no person              residing on the premises              other than a caretaker - - (c)              (Number of rooms set apart for the              use of the caretaker (if any) and              on which floor)              (d) Nature of the business (if any) (d)</p>	

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<p>5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - - -</p>	
<p>6. Amount of rent - - - - - or If ground rent only is paid state its amount - - - - -</p>	<p>£            per £            per</p>
<p>7. Whether the property is held under lease or agreement for a period of years - - - - - or By the year quarter month or week - - - - -</p>	
<p>8. (a) Date of commencement of term of lease or agreement - - - - - (b) Term of years for which granted (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - - (If none insert "None.")</p>	<p>(a) (b) (c) Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated i.e. the amount at which the property is worth to be let by the year the owner keeping it in repair - - - - -</p>	<p>} Annual Value £</p>
<p>10 (a) Amount of land tax (if any) - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 1911 (State in each case whether borne by the landlord or tenant)</p>	<p>(a) £            Borne by the (b) £            Borne by the</p>



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11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -	
12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - - (If each undertakes to bear part only of the cost of repairs state the particulars)	

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

SECOND SCHEDULE.

REFERRED TO IN THE SECTION OF THIS  
ACT OF WHICH THE MARGINAL NOTE IS "POWER TO  
USE ONE FORM OF MORTGAGE FOR ALL PURPOSES."

FORM OF MORTGAGE.

BOROUGH OF MORLEY.

By virtue of the Morley Corporation Act 1923 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Morley (hereinafter referred to as "the Corporation") in consideration of the sum of \_\_\_\_\_ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by \_\_\_\_\_ (hereinafter referred to as "the

A.D. 1923. mortgagee") do hereby grant and assign unto the mortgagee  
 - (his) executors administrators and assigns such proportion of the  
 revenues of the Corporation in the said Act defined as the  
 principal sum doth or shall bear to the whole sum which is or shall  
 be charged on the said revenues To hold unto the mortgagee  
 (his) executors administrators and assigns from the day of the  
 date of these presents until the principal sum shall be fully paid  
 and satisfied with interest for the same (subject as hereinafter  
 provided) at the rate of \_\_\_\_\_ per centum per annum from the  
 \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and  
 until payment of the principal sum such interest to be paid half-  
 yearly on the \_\_\_\_\_ day of \_\_\_\_\_ and the  
 day of \_\_\_\_\_ in each year And it is hereby agreed  
 that the principal sum shall be repaid at the town hall in the  
 said borough [(subject as hereinafter provided) on the  
 day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_ ]  
 [by \_\_\_\_\_ ]:

Provided always and it is hereby agreed and declared that  
 the before-mentioned time for repayment may be extended to  
 such subsequent day or days and upon any such extension the  
 before-mentioned rate of interest may be altered to such other rate  
 or rates of interest as shall from time to time be agreed upon  
 between the Corporation and the mortgagee and mentioned in an  
 endorsement to be made hereon under the hands of the town clerk  
 and treasurer of the borough for the time being and that upon  
 any such endorsement being made whether relating to extension  
 of time only or to extension of time with alteration of rate of  
 interest the provisions thereof shall be incorporated herewith and  
 shall operate and take effect as though they had been originally  
 inserted herein.

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

THE ENDORSEMENT WITHIN REFERRED TO.

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

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



FORM OF TRANSFER OF MORTGAGE.

A.D. 1923.

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

Dated this day of nineteen  
hundred and

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