



CHAPTER cvi.

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Macclesfield with regard to the construction of waterworks 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.

A.D. 1923.

[2nd August 1923.]

WHEREAS the borough of Macclesfield (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 it is expedient to confer upon the Corporation the further powers with regard to their water undertaking contained in this Act and to increase the rates and charges to be demanded and taken by them for the supply of water :

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

And whereas it is expedient to provide for the consolidation 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 :

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

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

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| (a) For the purchase of land for and in connection with the waterworks authorised by this Act and the water undertaking of the Corporation and the construction of the reservoir authorised by this Act | £ 125,500 |
| (b) For the purchase of easements and for the construction of the road diversion catchwaters lines of pipes break pressure tank filter house and filters authorised by this Act | 43,100 |
| (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 and in connection with the erection of a purifier and gasholder | 23,310 |
| (e) For the provision of gas stoves fires and fittings | 8,000 |
| (f) For mains plant and general purposes of the gas undertaking | 12,000 |
| (g) For working capital in connection with the gas undertaking of the Corporation | 25,000 |

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 county

of Chester and are in this Act respectively referred to as the deposited plans sections and book of reference : A.D. 1923.

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.

1. This Act may be cited as the Macclesfield Corporation Act 1923. Short title.

2. This Act is divided into Parts as follows (that is to say) :— Division of Act into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Waterworks and water supply.

Part IV.—Rating.

Part V.—Markets and slaughter-houses.

Part VI.—Streets buildings sewers and drains.

Part VII.—Infectious disease and sanitary matters.

Part VIII.—Hackney carriages.

Part IX.—Gas.

Part X.—Financial and miscellaneous provisions.

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 exceptions and modifications—

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

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(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) :

(3) The Waterworks Clauses Act 1863 :

(4) The Gasworks Clauses Act 1847 :

Provided that section 13 shall be read as if the words “ or any premises ” were inserted after the words “ private building ” and as if the words “ Provided that every such contract “ entered into by the Corporation shall be “ alike in terms and amount to all consumers “ for gas supplied under like circumstances “ and for the same purposes ” were added at the end of that section :

(5) The Gasworks Clauses Act 1871.

Inter-
pretation.

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 borough ” means the borough of Macclesfield ;

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

“ The council ” means the council of the borough ;

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

“The veterinary inspector” and “the market
keeper” mean respectively any veterinary in-
spector and the market keeper of the
Corporation;

“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;

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

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

“Statutory borrowing power” has the same meaning
as in section 93 of the Act of 1882;

“Statutory security” where used in reference to
funds for the redemption of stock issued under
the Act of 1882 has the same meaning as in
section 93 of that Act but otherwise 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 cor-
poration or other local authority as defined by
section 34 of the Local Loans Act 1875 but does
not include annuities rentcharges or securities
transferable by delivery or any securities of the
Corporation;

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“The Act of 1849” “the Act of 1852” “the Act of 1860” and “the Act of 1882” mean respectively the Macclesfield Borough Waterworks Act 1849 the Macclesfield Improvement Act 1852 the Macclesfield District Gas Act 1860 and the Macclesfield Corporation Act 1882;

“Hackney carriage” has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus as defined in the Town Police Clauses Act 1889.

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.

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 subsection (2) of the section of this Act whereof the marginal note is “Power to make waterworks”) where the same are intended to be constructed underground acquire such easements 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 describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

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

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

(4) Every notice to treat for the acquisition of an easement or right 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 eighteenth 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 parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

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 purposes of their water undertaking but the quantity of lands held by the Corporation in pursuance of this section (exclusive of lands held for the purpose

Purchase of additional lands by agreement.

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A.D. 1923. — of protecting their waters and waterworks against pollution fouling contamination or injury) shall not at any time (except with the consent of the Minister of Health) exceed fifty 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.

Persons
under
disability
may grant
easements
&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 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 and otherwise as they may think fit.

Reserva-
tion 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
surplus
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 county of Chester and are—

Work No. 1 A reservoir (to be called the Trentabank Reservoir) in the parishes of Sutton and Macclesfield Forest in the rural district of Macclesfield to be formed by means of an embankment or a dam in the said parish of Sutton across the Bollin Brook;

Work No. 2 A diversion of the public road in the said parishes of Sutton and Macclesfield Forest leading from New Inn to Standing Stone;

Work No. 3 A conduit or catchwater (No. 1) in the said parish of Sutton commencing in the watercourse known as the Nessit Stream and terminating in the said Trentabank Reservoir (Work No. 1);

Work No. 4 A conduit or catchwater (No. 2) commencing in the said parish of Macclesfield Forest in the watercourse known as Tupclose Stream and terminating in the said parish of Sutton in the existing Ridgeway Reservoir of the Corporation;

Work No. 5 A line or lines of pipes (No. 1) in the said parish of Sutton commencing in the enclosure No. 645 on the $\frac{1}{2500}$ Ordnance map sheet xxxvii.-14 (edition of 1909) of the said parish and terminating in the break pressure tank next described;

Work No. 6 A break pressure tank situate in the said parish of Sutton in the enclosure No. 637 on the said ordnance map;

Work No. 7 A line or lines of pipes (No. 2) in the said parish of Sutton commencing at the mouth of the culvert of the said Ridgeway Reservoir in the Bollin Brook and terminating in the existing Teggsnosewood Reservoir of the Corporation;

Work No. 8. A line or lines of pipes (No. 3) in the said parish of Sutton commencing in the break pressure tank (Work No. 6) and terminating in the said line of pipes (No. 2) (Work No. 7);

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Work No. 9. A line or lines of pipes (No. 4) commencing in the said parish of Sutton in the said line of pipes (No. 2) (Work No. 7) and terminating in the borough at the existing Leadbeaters Reservoir of the Corporation;

Work No. 10. A line or lines of pipes (No. 5) in the borough commencing in the said line of pipes (No. 4) (Work No. 9) and terminating in the existing line of pipes of the Corporation in enclosure No. 264 on the $\frac{1}{2500}$ Ordnance map of the borough sheet xxxvii.-9 (edition of 1909);

Work No. 11. A filter house and high-pressure filters in the borough adjoining the existing filter house 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.

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.

Limits of deviation.

(2) Provided that—

(a) the Corporation shall not construct any embankment or dam of the reservoir Work

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No. 1 of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or dam and five feet in addition;

(b) 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.

Accommo-
dation for
workmen
employed
on con-
struction
of works.

17.—(1) The Corporation shall erect fit up and maintain or provide—

(a) such huts or buildings for the accommodation of the workmen employed in and about the construction of the works authorised by this Act;

(b) such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases;

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connection with every such building and hospital.

(2) The Corporation shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Health Insurance Acts 1911 to 1921 or otherwise.

(3) The medical officer of health of the county council of Chester and the medical officer of health and inspector of nuisances of the rural district council of Macclesfield shall be entitled at any time to enter into and inspect and examine any such accommodation afforded under this section in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

(4) The Corporation shall give every such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable on summary conviction to a fine not exceeding forty shillings. A.D. 1923.

(5) If at any time it appears to the said county council that the Corporation have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Corporation shall afford and maintain such accommodation as the said county council may require. Provided that if within fourteen days after the receipt of notice of any requirement of the said county council under this subsection the Corporation give notice to the said county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Minister of Health on the application of either of the parties to the difference and the Minister of Health may make such requirements (if any) in variation of the requirements of the said county council as he may think fit.

(6) If the Corporation fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a further daily penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the said county council.

(7) Any expenses incurred by the said county council in carrying out the provisions of this section shall be repaid to the said county council by the Corporation and shall be recoverable as a debt due from the Corporation to the said county council.

(8) The Corporation shall pay to the Minister of Health any expenses incurred by him under this section including a sum not exceeding five guineas a day for the services of any inspector in connection with any local inquiry or investigation which he may consider necessary in the exercise of his powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

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Period for
completion
of works.

18.—(1) If the works authorised by this Act and delineated on the deposited plans are not completed within fifteen years from the thirty-first day of December nineteen hundred and twenty-three 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.

(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the lines of pipes authorised by this Act lay down additional lines of pipes as and when occasion may require.

Diversion
of road.

19. Upon the completion of Work No. 2 authorised by this Act all public rights of way over the part of the road for which it is substituted shall be extinguished :

Provided that the part of the existing road of which the said Work No. 2 is a diversion shall not be stopped up until the said Work No. 2 is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Corporation and the road authority until two justices shall have certified that the said Work No. 2 has been completed to their satisfaction and is open for public use Provided also that before applying to the justices for their certificate the Corporation shall give to the road authority seven days' notice of their intention to apply for the same.

Power to
take water.

20. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of their waterworks the waters of the following streams namely the Bollin Brook the Tupclose Stream the Nessit Stream the Parting Gap Stream the Winshaw Stream the Lower Hollintongue Stream and the Twelveashes Stream and all such springs streams and waters as will or may be intercepted by the works by this Act authorised.

Compensa-
tion water.

21. Whereas the total quantity of compensation water which the Corporation are required by section 32 of the Act of 1849 to discharge from the Bottoms Reservoir considerably exceeds one-third of the mean available rainfall in three consecutive dry years of the whole gathering ground of the Corporation above the said

Bottoms Reservoir It is hereby enacted that the provisions of the said section 32 of the Act of 1849 shall be accepted and taken by all persons interested as full compensation for all the water of the Bollin Brook the Tupclose Stream the Nessit Stream the Parting Gap Stream the Winshaw Stream the Lower Hollintongue Stream and the Twelve-ashes Stream which the Corporation can divert collect impound or appropriate by means of the works by this Act authorised.

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22. For the protection of the trustees of the will of William Whiston Harold Walter Whiston and W. Whiston & Son Limited or his or their heirs successors and assigns (each of whom is in this section referred to and included in the expression "the owner") the following provisions shall unless otherwise agreed between the Corporation and the owner apply and have effect:—

For
protection
of trustees
of William
Whiston
and others.

(1) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Corporation shall not purchase or acquire any lands of the owner shown upon the deposited plans but the Corporation may within six months after the passing of this Act serve notice to treat in respect of the acquisition of and the owner for their respective estates and interests shall sell and grant accordingly an easement or right of using so much of any such lands (other than the lands within a distance of forty-five feet from the east wall of Albert Mill in the parish of Sutton or south of a line drawn through a point seventy-five feet north of and parallel to the north wall of the said mill) as may be necessary for the construction and maintenance in accordance with the provisions of this Act of the works by this Act authorised and the provisions of the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 with respect to the purchase of lands otherwise than by agreement shall apply in respect of the acquisition of such easement or right:

(2) The Corporation shall not erect any buildings or other works above the surface of the ground upon any lands of the owner but may during

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the construction of the said works erect temporary buildings on the said lands but such temporary buildings shall be forthwith removed on the completion of the works :

- (3) No water shall be discharged in pursuance of the section of this Act of which the marginal note is "Temporary discharge of water into streams" into the Bollin Brook or the Pyegreave Stream unless and until the Corporation shall have given not less than three days' notice to the owner of their intention so to do :
- (4) The Corporation shall construct and maintain to the reasonable satisfaction of the trustees of the will of the said William Whiston their successors and assigns one stone water trough of at least nine cubic feet capacity in every field in which the conduits or catchwaters (Works Nos. 3 and 4) by this Act authorised are situate and shall supply thereto and keep the same supplied with a proper and sufficient supply of water and shall also provide a proper and sufficient drain for the overflow from the said troughs :
- (5) The gauges to be provided in pursuance of section 33 (Mayor &c. to construct gauges and other works) of the Act of 1849 shall be a proper and suitable automatic measuring gauge which gauge and the records thereof shall at all reasonable times be open to the inspection and examination of the owner. If at any time after the expiration of twelve months from the passing of this Act the Corporation fail to comply with the provisions of this subsection they shall be liable to forfeit and pay to the owner who may sue for and recover the same the sum of five pounds per working day and shall in addition make compensation for any loss damage or injury sustained by the owner :
- (6) Any difference which may arise under this section between the Corporation and the owner (other than a difference to which the provisions of the Lands Clauses Acts apply) shall be determined by an engineer to be appointed on the application of either party by the President

of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration. A.D. 1923.

23.—(1) Within three years after the passing of this Act the Corporation shall purchase all the rights and interests of the tenants of the farms known as Lower Hollintongue and Twelveashes in the lands numbered 27 to 37 and 39 to 62 in the parish of Macclesfield Forest on the deposited plans and from and after the expiration of the said period of three years the said lands shall cease to be used for farming purposes except for grazing and no human habitation shall be permitted thereon. As to farms in drainage area of reservoirs.

(2) With respect to any other lands draining into the Trentabank Reservoir (Work No. 1 authorised by this Act) and now used for farming purposes the Corporation shall within the period aforesaid construct and lay down all necessary drains sewers watercourses catchpits and other works and conveniences necessary for the purpose of intercepting or taking all foul waters arising or flowing upon such lands.

(3) The Corporation by agreement with the Minister of Health in lieu of carrying out the whole or any part of the requirements of subsections (1) and (2) of this section may take such steps as may be approved by the Minister of Health for securing or conserving the purity of the water flowing from or over the lands aforesaid.

24. From and after the date when the Trentabank Reservoir (Work No. 1 by this Act authorised) is filled and ready for use the Bottoms Reservoir and the Teggsnose Reservoir of the Corporation shall not be used for the supply of water for domestic purposes. Bottoms and Teggsnose Reservoirs not to be used for supply for domestic purposes.

25. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoir catchwaters and other works by this Act authorised with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into such reservoirs and works. Power to agree as to drainage of lands &c.

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

26.—(1) (a) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take the Corporation may by agreement purchase take on lease or otherwise acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes.

(b) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment in connection with their water undertaking 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.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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

Limiting
powers of
Corporation
to abstract
water.

27. 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 : A.D. 1923.

Provided that the Corporation may intercept and use any waters which may escape from any of their authorised works.

28.—(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.

29. 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 borough) of the aqueducts and lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wire conductors or apparatus required to be erected or laid down by the Corporation for the purposes of their water undertaking. Application of Waterworks Clauses Act 1847 to aqueducts and to telephones.

30. 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. For protection of Postmaster-General.

31. 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 Further powers in relation to water mains.

A.D. 1923. — 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.

Dwelling-houses for persons in Corporation's employment.

32. The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking.

Works to form part of water undertaking.

33. 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.

Limit of pressure.

34. The water supplied by the Corporation within the borough need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir or other source from which the supply is taken.

Rates for domestic purposes.

35.—(1) Subject to the provisions of this Act the Corporation shall on and after the thirtieth day of September nineteen hundred and twenty-three at the request of the owner or occupier of any dwelling-house entitled under the provisions of this or any other Act relating to the water undertaking of the Corporation to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate not exceeding fifteen per centum per annum upon the rateable value of such premises.

(2) The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained

as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction. A.D. 1923.

(3) In addition to the foregoing rates the Corporation may charge in respect of every watercloset beyond the first and second (for which no additional charge shall be made) on any premises within the borough a sum not exceeding seven shillings and sixpence per annum and for every fixed bath beyond the first capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum and for every fixed bath beyond the first capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

(4) Section 26 (Rents to be paid for water) of the Act of 1849 is hereby repealed.

36. Notwithstanding anything contained in section 70 (Rates to be paid quarterly in advance) of the Waterworks Clauses Act 1847 the Corporation may by resolution declare that their water rates and charges shall be payable at such date or dates as the Corporation may from time to time appoint : Dates for payment of water rates.

Provided that no person shall be compellable to pay such water rates or charges for any longer period in advance than three months.

37. Where any premises supplied with water are let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner : Rates payable by owners of small houses.

Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

38. Where water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or Charges for hose-pipes.

A.D. 1923. — motor cars are kept for private use the Corporation may if a hose-pipe or other similar apparatus is used charge any additional sum not exceeding one pound per annum and (where more motor cars than one are ordinarily kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first and any sum chargeable under the provisions of this section shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

Supply
to houses
partly
used for
trade.

39.—(1) The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or any hospital school or similar institution club boarding house hotel hydropathic restaurant public-house or inn.

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated in accordance with the provisions of the section of this Act of which the marginal note is "Rates for domestic purposes."

(3) The price to be charged for a supply of water by measure under this section shall not (subject as hereinafter provided) exceed the respective prices per thousand gallons mentioned in the section of this Act of which the marginal note is "Supply by measure" Provided that the minimum amount payable for any such supply other than a supply for farming purposes only under subsection (2) of this section in respect of any year ending on any thirty-first day of March shall be an amount equal to the amount payable for the time being for a supply of water for domestic purposes to premises of a like rateable value.

(4) Section 24 of the Act of 1882 is hereby repealed.

Supply by
measure.

40.—(1) The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates.

(2) Provided that—

A.D. 1923.

(a) no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes;

(b) the price to be charged by the Corporation for a supply of water under this section shall not exceed two shillings per one thousand gallons;

but the Corporation shall be entitled to charge for each such supply (other than a supply given under the provisions of the section of this Act the marginal note of which is "Supply to houses partly used for trade") a sum of not less than one pound in respect of the water supplied in any quarter of a year.

41. On the application of the Corporation or of twenty consumers of water in the borough the Minister of Health may if satisfied that the circumstances have materially changed make an order varying either by way of increase or decrease the rates and prices for the supply of water authorised by the sections of this Act of which the marginal notes are "Rates for domestic purposes" and "Supply by measure."

As to
revision
of water
rent and
price for
water.

42.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation.

Register of
meter to
be *primâ*
facie
evidence.

(2) Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

43. If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested

Power to
Corpora-
tion to
repair com-
munication
pipes.

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Act, 1923.

A.D. 1923. — so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Corporation for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) 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 in like manner as the water rates in respect of the premises are recoverable. 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 of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Mainten-
ance of
common
pipe.

44.—(1) When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Corporation or other officer duly authorised in that behalf by the Corporation.

(2) (a) Any person deeming himself aggrieved by any such apportionment may within fourteen days from the receipt of notice thereof appeal to a petty sessional court and such court may and is hereby empowered to make such order as to the court shall seem just and any such order shall be final.

(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.

Byelaws
for pre-
venting
waste &c. of
water.

45.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and

other apparatus (in this section referred to as "water fittings") to be used and may forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination. A.D. 1923.

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

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rates in respect of the premises are recoverable.

46. 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. Interference with valves pipes and fittings.

47.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages gas or water pipes electric lines wires and apparatus. Detection of waste.

(2) Provided that the Corporation shall not interfere with any telegraphic line belonging to or used by the

A.D. 1923. — Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

A separate communication pipe may be required for each house supplied.

48.—(1) The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid with a stop-cock enclosed in a metal box in the street adjacent to the house from the main pipe into each house supplied by them with water.

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

Connecting and disconnecting of meters.

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

Power to person liable to maintain pipes &c. to open ground.

50.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus in the borough the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay down maintain repair or remove any communication pipe and for that purpose to open or break up any street in the borough execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation

in so doing shall be repaid by the owner or occupier with whom the agreement is made. A.D. 1923.

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

52.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fitting belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Injuring meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be

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A.D. 1923. — has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Notice of
discon-
tinuance.

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

Application of
section 35 of
Waterworks
Clauses Act
1847.

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

Contracts
for supply
of water
in bulk.

55.—(1) The Corporation and any local authority company body or person may enter into and carry into effect agreements for and in relation to the supply of water by the Corporation beyond the borough to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions as may be agreed upon.

(2) Provided that—

(a) a supply of water under this section shall not be given beyond the borough except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the borough;

(b) nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the borough.

As to supply
of water to
Macclesfield
Rural
District
Council.

56.—(1) If and when required by the Macclesfield Rural District Council (in this section referred to as "the council") the Corporation shall supply water in bulk to the council for use in the Macclesfield rural district in such daily quantity not exceeding forty thousand gallons as the council may from time to time require.

(2) Such supply shall be delivered at the points at which water is now being delivered by the Corporation to the council at Prestbury Road Beech Bridge and

London Road and at such other point or points (being a point or points on the lines of pipes by this Act authorised from which the supply may be given) as may be agreed upon between the Corporation and the council or as failing agreement may be determined by the Minister of Health as provided by this section. A.D. 1923.

(3) The price to be paid by the council to the Corporation for the supply of water shall be such price for each one thousand gallons supplied as failing agreement between the council and the Corporation shall be determined as hereinafter provided. Provided that either the Corporation or the council by giving not less than six calendar months' notice in writing to the other to expire on the last day of March in the year nineteen hundred and twenty-five and at the end of each period of five years thereafter may require a revision of the said price or of any price for the time being substituted therefor under this subsection and thereupon as from the expiration of any such notice the price to be paid to the Corporation shall be a price failing agreement to be determined by arbitration as hereinafter provided.

(4) All water to be taken by the council shall be measured at every point at which it is taken by a meter or other apparatus to be provided by the Corporation and let by them to the council upon such terms as may be agreed by their respective water engineers. Every such meter shall be placed in some suitable chamber or building and on a site to be provided by the council and every such meter and chamber and all pipes valves and other apparatus connecting the meter with the aqueduct from which the water is taken shall be fixed and constructed by the Corporation at the cost of the council. The Corporation and their water engineer servants and workmen shall be entitled at all times to access to the valves and meters for the purpose of examination and recording the registration and of effecting such repairs adjustments and replacements thereof as may be necessary at the cost of the council.

(5) The Corporation shall not be liable for any damage loss or expense caused by any failure in the supply of water to the council if such failure shall be occasioned by frost unusual drought strikes or any cause beyond the control of the Corporation or during any time when

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A.D. 1923. the works of the Corporation shall be undergoing necessary repairs renewals or cleansing.

(6) All payments for the water supplied shall be payable quarterly on the thirty-first day of March thirtieth day of June thirtieth day of September and thirty-first day of December in every year.

(7) Any dispute question or difference between the Corporation and the council under this section shall unless otherwise agreed be referred to a single arbitrator appointed by the Minister of Health on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For
protection
of railway
companies.

57. The following provisions for the protection of the London Midland and Scottish Railway Company and the London and North Eastern Railway Company and Great Central and North Staffordshire Railway Committee (each of which companies and committee are hereinafter referred to as "the railway company") shall unless otherwise agreed between the Corporation and the railway company be in force and have effect:—

(1) In laying down or executing or in effecting the repairs and renewals of any works under the powers of the sections of this Act whereof the marginal notes are "Application of Waterworks Clauses Act 1847 to aqueducts and to telephones" "Further powers in relation to water mains" and "Detection of waste" upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Corporation Provided that if the said engineer shall not express his disapproval of such plans within twenty-one days from the submission thereof he shall be deemed to have approved thereof:

- (2) The Corporation shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all the works matters and things aforesaid shall be constructed executed and done so as not to cause any injury to the railways bridges level crossings approaches viaducts stations works lands or property of the railway company or interruption to the passage or conduct of traffic over such railways or at any station thereon : .A.D. 1923.
—
- (3) If any 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 works the Corporation shall make compensation in respect thereof to the railway company :
- (4) Any dispute or difference which may arise between the railway company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

PART IV.

RATING.

58.—(1) This Part of this Act shall come into operation as from the thirty-first day of March nineteen hundred and twenty-four. Commence-
ment and
interpreta-
tion. .

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

“The parish” means the parish of Macclesfield;

“The overseers” means the overseers of the parish;

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

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

“ The Act of 1869 ” means the Poor Rate Assessment and Collection Act 1869.

Expenses to be paid out of borough fund.

59.—(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 at the commencement of this Part of this Act 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 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.

(3) The Corporation may make and levy any borough rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

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

60. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate to be made for the parish and the provisions of section 145 (Collection of borough rate in undivided parish)

of the Municipal Corporations Act 1882 shall apply to such contribution. A.D. 1923.

61. 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.

Poor rate to be called "the consolidated rate."

62. 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 shall be liable to pay in each year only seventy-two per centum of the rate in the pound payable in respect of hereditaments not within the provisions of this section:

(2) Provided that—

(a) 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 only forty per centum of the rate in the pound payable in respect of hereditaments not within the provisions of this section;

(b) 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 shall be liable to pay only four-sevenths of the amount payable under

A.D. 1923.
—

the section of the Macclesfield Corporation Act 1923 of which the marginal note is 'Differential consolidated rate in certain cases' in respect of any rate which is assessed on him as owner of that tithe rent-charge and the remaining three-sevenths thereof 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":

(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) Act 1920; or

(b) the amount of the contribution for any purposes to be made by the parish out of the consolidated 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.

Appeals.

63.—(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 quarter sessions for the borough holden not less than twenty-one days after the demand of the rate 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.

A.D. 1923.

(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.

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

Amend-
ment of
error in
consoli-
dated rate.

65. The overseers if so required by the Corporation shall in pursuance of the provisions of section 15 (Overseers may make poor rate payable by instalments) of the Poor Rate Assessment and Collection Act 1869 declare that any consolidated rate made by them for a period exceeding three months shall be paid by instalments at such times as shall have been previously specified by the Corporation.

Payment
of con-
solidated
rate by
instalments.

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

Water rent
may be
levied with
consolidated
rate.

67. 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 water rent or charge 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.

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

Amend-
ment of
rates.

69. 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)

Application
of section
133 of
Lands

A.D. 1923.

Clauses
Consolidation Act
1845.

of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be two-thirds of the amount in the pound of the consolidated rate.

As to
recovery
of consolidated
rate.

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

Service of
demands.

71. 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.

Overseers
may
require
returns.

72.—(1) The overseers of the parish may by notice in writing require the owner or occupier or reputed owner or occupier of any hereditament in the parish (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 :

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. A.D. 1923.

(3) The overseers of the parish shall whenever required by the assessment committee of the Macclesfield Poor Law Union 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 or committee of railway companies 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.

73. In addition and without prejudice to any other powers which may be exercised by them the overseers of the parish may amend the consolidated rate of the parish by inserting therein the name of any person who ought to have been rated : Amend-
ment of
consoli-
dated rate.

Provided that—

- (1) Any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment;
- (2) An amended rate shall not be payable by any person whose name is thereby newly inserted until seven days after such notice has been given to him.

74. The purposes to which the borough fund is applicable shall include the provision of a working balance for the payment of current expenses that may be incurred by the Corporation in the exercise or performance of the powers and duties the cost of which is charged on the borough fund and the Corporation may (in estimating the amount sufficient for those purposes and in ordering the borough rate to be made) include such a sum as they may consider to be necessary for the provision of such working balance. Borough
rate may
include
working
balance.

A.D. 1923.

PART V.

MARKETS AND SLAUGHTER-HOUSES.

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

75.—(1) Any animal brought to any cattle market of the Corporation at which animals intended for the food of man are in fact sold shall (unless the contrary be proved) be deemed to be deposited for the purpose of sale and intended for the food of man within the meaning of sections 116 to 119 (Relating to unsound meat &c.) of the Public Health Act 1875 and the provisions of those sections shall respectively apply to any such animal. The provisions of the section of this Act of which the marginal note is "Extension of powers of veterinary inspector to section 116 of Public Health Act 1875" shall extend and apply accordingly.

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

(3) The veterinary inspector the market keeper any officer of the market the sanitary inspector or any constable may detain for a reasonable period not exceeding twelve hours any emaciated or diseased animal brought to any cattle market of the Corporation and any person wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

Extension
of powers
of veter-
inary
inspector
to section
116 of
Public
Health Act
1875.

76. 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.

Removal
and exclu-
sion from

77. The market keeper any officer of the market the sanitary inspector or any constable may remove and

exclude from any market of the Corporation any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon shall be suspected by such surgeon to be affected with tubercular disease.

A.D. 1923.

—
market of
animals not
fit for food
or suspected
of tubercu-
losis.

78.—(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.

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

(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 with 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 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.

A.D. 1923.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughterhouse 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 slaughterhouse 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 of 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.

Byelaws
as to
slaughter-
houses.

79.—(1) The powers contained in section 169 of the Public Health Act 1875 and the enactments incorporated therewith to make byelaws with respect to slaughter-houses shall extend to and include the making and enforcement of byelaws—

- (a) For preventing the slaughter of animals in any pound pen lair or pining-house forming part of any registered or licensed premises;
- (b) For preventing the slaughter of any animal within public view or within the view of any other animal; and
- (c) For preventing the carcase of any slaughtered animal intended for the food of man from being contaminated during such time as the same shall be hung or remain in any slaughterhouse.

(2) Nothing in any byelaw made under this section shall affect the operation of the Diseases of Animals Acts 1894 to 1914 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

PART VI.

STREETS BUILDINGS SEWERS AND DRAINS.

Lopping of
trees over-
hanging
highways.

80.—(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. A.D. 1923.

(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 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.

81.—(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 re-made 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 shall in case of difference be settled by arbitration under the Acquisition of Land (Assessment of Compensation) Act 1919.

A.D. 1923.

(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.

82.—(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.

A.D. 1923.

(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 expenses 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.

83. Where premises abutting upon any street are so situate that surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within fourteen days after service of a notice by the Corporation for that purpose execute such works as may be reasonably practicable to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

For preventing water flowing on footpaths.

84.—(1) The Corporation may grant to the owner or with the consent of the owner to the lessee or occupier of any premises abutting upon any street repairable by the inhabitants at large or any public highway a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without trucks by means of a bridge over such street or highway for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be

Power to Corporation to grant licences for bridges over streets.

A.D. 1923. given on such terms and with under and subject to such
— covenants conditions and agreements as to the Corporation
may seem fit Provided that—

- (a) No fine rent or other sum of money (except a reasonable sum in respect of legal or other expenses incurred) shall be payable for or in respect of such licence;
- (b) Any licence given under this section shall not in any way interfere with the convenience of persons using such street or affect the rights of the owners of the property adjoining and up to the line of the street or highway;
- (c) It shall be a condition of every such licence that the licensee shall at the request of the Corporation and at his own expense remove or alter such bridge in such manner as the Corporation require in the event of their considering such removal or alteration necessary or desirable in connection with the carrying out of improvements to such highway at any time and the decision of the Corporation that such removal or alteration is necessary or desirable shall be final and conclusive;
- (d) In the event of the construction of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1922 be deemed part of the street or road which it crosses.

(2) If any person shall construct a bridge over any such street or highway without such licence or shall construct or use the same otherwise than in accordance with the terms and conditions of the licence or shall fail to remove or alter the same when required so to do under the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

As to
projections
over
streets.

85.—(1) Every notice board sign bracket or other projection which shall overhang any street shall be securely fixed and maintained by the owner thereof.

(2) If the Corporation have reason to believe that any such notice board sign bracket or other projection is not securely fixed they may enter upon the premises to which it is attached for the purpose of inspecting the same and the means by which it is attached.

A.D. 1923.

(3) In the event of any such notice board sign bracket or other projection being insecurely fixed the Corporation may require the owner to fix the same securely within a period of seven days from the receipt of notice of such their requirement and in default of his so doing the Corporation may themselves carry out the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

86. The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission in regard to the alteration of such plans and sections as can be required in relation to the erection of new buildings.

Byelaws
as to
alterations
to old
buildings.

87. 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 of 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.

Powers on
inspection.

88. 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 such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Ladders
to be
provided.

A.D. 1923.

Byelaws
as to
certain
water
apparatus.

89. The Corporation may make byelaws for prescribing the type size and design of water stop tap boxes and covers to be thereafter fixed or replaced in any street dedicated to public use within the limits for the supply of water by the Corporation and the materials of which the same may be made.

Corpora-
tion may
order
houses to
be drained
by a
combined
drain.

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

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

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

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

A.D. 1923.

91.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

Provision
in lieu of
section 19
of Public
Health
Acts
Amend-
ment Act
1890.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

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

92. 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 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 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.

A.D 1923.

—
Restriction
on use of
ashbins.

93.—(1) From and after the passing of this Act it shall not be lawful for any person to use any ashbin or dustbin for any purpose other than the deposit of dust ashes or other house refuse not being of a liquid or partly liquid character intended for removal by or on behalf of the Corporation.

(2) Any person contravening the provisions of this section shall be liable to a penalty of ten shillings and to a daily penalty of ten shillings.

As to
repair of
private
drains.

94. 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 after notice has been given in writing to the owner 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.

95.—(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.

Water-
course
choked up
to be a
nuisance
under

96. Any river stream or watercourse or any part or parts thereof respectively within the borough so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent

thereto shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

A.D. 1923.

Public
Health Act
1875.

97. Nothing in this Part of this Act shall apply to any building (not used as a dwelling-house) or work constructed or to be constructed by any railway company or committee of two or more railway companies as a part of or for the purposes of their railway under any statutory powers or to any lands held or acquired or which may hereafter be held or acquired by such railway company or committee and used for the purposes (other than for a dwelling-house) of their railways with the authority of Parliament.

Saving for
railway
companies.

PART VII.

INFECTIOUS DISEASE AND SANITARY MATTERS.

98. 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 railway committee or to or from any railway station or depôt of such company or committee the Corporation shall give not less than one month's notice to the company or committee 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 or committee shall be entitled to make representations to the Minister of Health with regard thereto :

Byelaws
for places
used for
preparation
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.

99.—(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

Sanitary
regulations
for premises

A.D. 1923.
—
where food
is deposited
for sale.

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:—

- (a) No urinal watercloset earthcloset privy ashpit or other like sanitary convenience shall be 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. A.D. 1923.

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

100.—(1) The Corporation shall be entitled to refuse registration of any person in respect of premises for the sale of milk where the conditions are unsuitable and in the case of any premises already registered shall have the power to cancel registration where the conditions become unsuitable. Power to refuse registration of premises for sale of milk.

(2) (a) Any person deeming himself aggrieved by any refusal or cancellation of registration of or by the Corporation under this section may within fourteen days from the date of such refusal 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 and any such order shall be final.

(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.

101.—(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. As to filthy premises.

(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.

A.D. 1923.

—
Rag and
bone
dealers
not to
sell food.

102.—(1) It shall not be lawful for any collector of 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.

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

Registra-
tion of
premises
used for
manu-
facture &c.
of potted
meats.

103.—(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.

(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 a hotel restaurant or club.

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

104.—(1) Any person being a manufacturer of or vendor or merchant or dealer in ice-cream or other similar commodity who within the borough—

(a) causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

- (b) in the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (c) omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer;

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shall be liable for every such offence upon summary conviction thereof to a penalty not exceeding five pounds.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or other similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice-cream commodity or materials so destroyed.

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable upon conviction to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

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—
Public notice to be given of provisions of this Part of Act.

105.—(1) Public notice of the foregoing provisions 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 VIII.

HACKNEY CARRIAGES.

Inspection and certification of taxi-meters.

106.—(1) The Corporation may require any taxi-meter 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 taxi-meter 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 taxi-meter 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 taxi-meter found by them to register correctly and such certificate shall be dated with the date upon which such taxi-meter was last tested and inspected.

(3) Any person using a taxi-meter 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.

As to public vehicles taken at railway stations.

107. 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 :

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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.

108. An occasional licence for a hackney carriage or other public vehicle to ply for hire may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence.

Power to grant occasional licences for hackney carriages and other public vehicles.

PART IX.

GAS.

109. In this Act the words "the gas limits" mean the limits within which the Corporation are for the time being authorised to supply gas.

Interpretation of gas limits.

110. The Corporation may on the application of the owner or occupier of any premises within the gas limits abutting on any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act :

Power to lay pipes in private streets.

Provided that the Corporation shall not exercise their powers under this section with respect to any street or road belonging to any railway company or railway committee except with the consent of the company or committee concerned but such consent shall not be unreasonably withheld and if any difference arises between any such company or committee and the Corporation as to whether such consent is in any case unreasonably withheld the difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by

A.D. 1923. the President of the Institution of Civil Engineers In
— carrying out any works authorised by this section the
Corporation shall not unreasonably obstruct or interfere
with the convenient access to any such street or road.

Power to
lay pipes for
ancillary
purposes.

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

Construc-
tion of
pipes.

112. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

- (1) The Corporation may specify the size and material of the pipes and fittings which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal:
- (2) The Corporation may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published either twice in some newspaper or once in each of two newspapers circulating within the gas limits and a copy thereof shall be kept exhibited in the office of the Corporation:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer shall be placed as near as reasonably practicable to the Corporation's main but within the outside wall of the building:
- (5) When any such pipe fitting or meter as aforesaid has been laid or placed notice thereof shall be

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given to the Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation. Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect and test such pipes and fittings and meter and if the officer is not permitted to make the inspection or test or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :

- (6) Any person to whom the Corporation refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid :
- (7) The word " fittings " in this section means pipes burners stoves heating apparatus and other fittings used in connection with the consumption of gas :
- (8) The provisions of this section shall not apply to any railway company or committee of two or more railway companies.

113. Notwithstanding anything contained in the Acts relating to the Corporation they shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is insufficient for such purpose or if and so long as any such supply would in the opinion of the Corporation interfere with the sufficiency of the gas required to be supplied by means of such main for lighting or domestic purposes. A supply of gas to an asylum institution or hospital shall for the purposes of this section be deemed to be for lighting or domestic use.

Amending obligations as to supply of gas.

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Power to vary price according to purpose for which gas supplied and to discontinue supply when gas used for any other purpose.

114.—(1) Notwithstanding anything contained in the Acts or Orders relating to the Corporation's gas undertaking the price to be charged by the Corporation for a supply of gas may vary according to the purposes for which the gas is supplied as may be agreed upon between the Corporation and the person taking such supply.

(2) Provided that the Corporation shall not under the powers of this section give any preferential price as between any consumers who shall take a corresponding supply of gas for the same purpose under similar circumstances.

(3) If any consumer of gas supplied by the Corporation uses the gas supplied to him by the Corporation for any purpose other than that for which it is supplied the Corporation may if they think fit discontinue to supply gas to such consumer until they are satisfied that any gas so supplied will be used for the purposes for which it was to be supplied :

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the gas is used contrary to the terms of such agreement.

Consumers to give notice before removing.

115.—(1) At least twenty-four hours' notice in writing shall be given to the Corporation by every gas consumer before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur.

(2) Notice of the effect of this enactment shall be stated in or endorsed upon every demand note for gas charges payable to the Corporation.

Expenses of re-connecting supply.

116. In any case in which in consequence of any default on the part of the occupier of any premises the Corporation have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such

supply he shall pay to the Corporation the expenses of reconnecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

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117. The power to enter premises and remove pipes meters and fittings or apparatus conferred upon the Corporation by section 22 (Power to remove meter and fittings) of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the Corporation or to hire all or any of the pipes meters fittings or apparatus belonging to the Corporation.

Removal of fittings where supply discontinued.

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

Notice to discontinue supply of gas.

119.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

Period of error in defective meters.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

120.—(1) Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person (other than a railway company or a committee of two or more railway companies) shall not be entitled to demand or continue to receive from the Corporation for the purposes of a stand-by only a supply of gas for any premises for which he has at the same time a supply

Supply of gas where consumer has separate supply.

A.D. 1923. — of gas from an installation other than that of the Corporation or a supply of electricity except from the Corporation unless he shall have agreed to pay to the Corporation such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover charges incurred by them in order to meet the possible maximum demand for the premises for which the stand-by supply is demanded or received and the sum so to be paid shall be determined in default of agreement by arbitration.

(2) A railway company or a committee of two or more railway companies shall not be entitled to demand or continue to receive a supply of gas in the circumstances referred to in subsection (1) of this section unless such company or committee shall have agreed to pay to the Corporation such minimum sum as shall be fixed by the Corporation not exceeding twenty-five shillings for any one quarter of a year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a less sum :

Provided that—

- (a) in fixing the amount of such minimum charge the Corporation shall have regard to the probable maximum supply of gas which might at any time be required for such premises ;
- (b) in respect of any premises for which the whole supply of gas afforded by the Corporation is taken through a No. 3 standard meter or a meter having a nominal capacity of not more than ten lights the amount of the minimum charge shall not exceed five shillings for any one quarter of a year.

Power to refuse supply to persons in debt for other premises.

121. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas charges and meter rent due from him to the Corporation they may refuse to furnish to him a supply of gas until he pays the same.

Anti-fluctuators to be used with gas engines.

122.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the

premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

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(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Corporation may cease to supply him with gas.

(3) The Corporation may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Corporation and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order and repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Corporation if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means an apparatus for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

123.—(1) Every consumer of gas supplied by the Corporation who uses air at high pressure for or in connection with the consumption of such gas (in this section referred to as "high-pressure air") shall if required to do so by the Corporation provide and fix in a suitable position and use an efficient valve approved by the Corporation or other appliance for preventing the admission of such air into the service pipe or any main through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

Provision
of valve
where high-
pressure
air is used.

(2) It shall not be lawful for any person at any time after the passing of this Act to commence to use high-pressure air unless and until he shall have given to the

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— in writing of his intention to do so.

(3) Every person who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (5) of this section is using high-pressure air shall within one month after that date give to the Corporation notice in writing of such use and if within one month after the giving of such notice the Corporation require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Corporation or any obligation under this section the Corporation may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Corporation shall give notice of the effect of the foregoing provisions of this section—

(a) (in the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Corporation) on the demand notes for gas charges payable to the Corporation issued next after that date; and

(b) (in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Corporation) on the first of such demand notes delivered to such person after he shall have become a consumer.

(6) The Corporation shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air is used or the Corporation have reason to believe that high-pressure air is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(7) The Corporation shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing

inspecting and replacing to be done at the expense of the Corporation if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

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124. The register of the meter for measuring gas passing through a pre-payment meter shall be *primâ facie* evidence of the quantity of gas consumed and in respect of which any gas rent is charged and sought to be recovered by the Corporation. Provided that if the Corporation and the consumer differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

Register of prepayment meter to be *primâ facie* evidence.

125. The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with the gas undertaking and offices showrooms and other buildings for the purposes of that undertaking and may exhibit specimen installations and give demonstrations of the uses to which gas can be put and may appoint and pay persons for the purposes aforesaid and the Corporation may also erect maintain and let any such buildings upon any land for the time being belonging or leased to the Corporation for those purposes.

Dwelling-houses for employees and other buildings.

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

Power to take licences for use of patents.

127.—(1) Every consumer of gas whether supplied by the Corporation or from any other source and every other person who uses a stationary or fixed internal combustion engine shall provide and use effective means to silence the exhaust gases of such engine and shall at all times at his own expense keep the same in proper

Power to require users of internal combustion engines to provide silencers.

A.D. 1923. — repair and in default of his so providing using or keeping the same in proper repair the Corporation may if gas is supplied by them cease to supply gas to such consumer The Corporation shall have access to and be at liberty to inspect and test at all reasonable times any means of silencing so provided such inspecting and testing to be done at the expense of the Corporation if the means of silencing be found in proper order but otherwise at the expense of the consumer or other person aforesaid.

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

Engines
&c. though
fixed to
premises to
remain
property of
Corpora-
tion.

128.—(1) Subject as hereinafter provided any meters engines ranges pipes stoves fittings apparatus and appliances and things (in this section called "fittings") let by the Corporation on hire shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be.

(2) Subject as hereinafter provided all fittings let by the Corporation on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Corporation Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(3) The Corporation shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

Attachment
of brackets
and pipes
to buildings.

129.—(1) The Corporation may with the consent of the owner of any building attach to that building such brackets pipes and apparatus as may be required for the public lighting of the gas limits :

Provided that—

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- (i) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;
- (ii) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1);
- (iii) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

(2) Section 23 (Power to lay pipes against buildings) of the Macclesfield District Gas Act 1860 is hereby repealed.

(3) The Corporation shall not affix any brackets pipes or other apparatus to any building belonging to a railway company or railway committee without the previous consent in writing of such company or committee or if such consent be unreasonably withheld the consent of an engineer to be appointed on the appli-

[Ch. cvi.] *Macclesfield Corporation* [13 & 14 GEO. 5.]
Act, 1923.

A.D. 1923. — cation of either party by the President of the Institution of Civil Engineers.

Corporation may contract for supply and purchase in bulk.

130. The Corporation may contract with any local authority company or persons for the supply by the Corporation to them or for the supply to the Corporation by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the gas limits.

Corporation may contract for purchase of gas.

131. The Corporation may enter into and carry into effect agreements with any company or person for the supply of gas in a crude or partially purified state by such company or person to the Corporation for such remuneration on such terms and conditions and for such period as the Corporation may think fit but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the gas limits.

Supply of power gas.

132.—(1) The Corporation may make produce or purchase and may by agreement supply to any person within the gas limits at such price as may be agreed between the Corporation and such person gas (in this Act called "power gas") which shall not be required to comply with the provisions of the Acts relating to the Corporation as to the calorific power purity or pressure of the gas supplied by them and notwithstanding anything contained in any such Act the provisions of sections 11 12 24 to 34 36 and 37 of the Gasworks Clauses Act 1871 shall not apply to the Corporation in respect of power gas nor shall the provisions of the said Acts with respect to calorific power purity or pressure as aforesaid and the testing thereof or with respect to the price of gas be applicable (a) in respect of power gas supplied by the Corporation or (b) to the Corporation in respect of power gas.

(2) Power gas may subject to the provisions of this Part of this Act be supplied for utilisation for any purpose other than lighting.

(3) Nothing in this section shall deprive any person within the gas limits of any right which he may possess under the Acts relating to the Corporation of requiring a supply of gas of the calorific power purity and pressure

prescribed by those Acts or any enactment incorporated therewith. A.D. 1923.

133. For the purposes of the last preceding section the Corporation may lay down repair take up alter relay and renew mains pipes and apparatus within the gas limits and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable for the purposes of this section extend and apply with the necessary alterations to and for such purposes. Mains for power gas.

134.—(1) It shall not be lawful for the Corporation at any time to supply power gas which does not possess a distinctive and readily perceptible smell. Conditions as to quality of power gas.

(2) For every contravention of this section the Corporation shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their district so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 (Powers of inspectors) of the Factory and Workshop Act 1901 and by section 98 (Powers of inspectors) of the Coal Mines Act 1911 and section 17 (Powers of inspectors) of the Metalliferous Mines Regulation Act 1872 respectively.

(4) Provided that no proceedings shall be taken against the Corporation by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Corporation of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

135.—(1) The Secretary of State for the Home Department may from time to time either before or after the Corporation shall have commenced to give a supply of power gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Corporation) make Regulation as to power gas.

[Ch. cvi.] *Macclesfield Corporation* [13 & 14 GEO. 5.]
Act, 1923.

A.D. 1923. — or impose in the interests of the safety or health of persons regulations terms and conditions with respect to such supply.

(2) The Corporation shall not under the powers of this Act supply or continue to supply power gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force.

(3) Provided that if in the opinion of the Corporation compliance with any such regulations terms and conditions would render the supply or continued supply of power gas by them unremunerative or impracticable it shall be lawful for the Corporation upon giving to all consumers of power gas supplied by them not less than three months' notice of their intention so to do to discontinue such supply and in that event the Corporation shall not be under any obligation to supply or to continue to supply power gas to any person.

(4) For every contravention of this section the Corporation shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the section of this Act the marginal note whereof is "Conditions as to quality of power gas."

Provisions
as to
general
Acts
relating to
power gas.

136. Nothing in this Act contained shall exempt the Corporation from the provisions of any general Act relating to the manufacture or supply of power gas passed before or after the passing of this Act or from any regulations which may be made under any such general Act.

For further
protection
of railway
companies.

137. The following provisions for the protection of the London Midland and Scottish Railway Company the London and North Eastern Railway Company and the Great Central and North Staffordshire Railway Committee (each of whom is in this section referred to as "the railway company") shall unless otherwise

agreed in writing between the Corporation and the railway company apply and have effect (that is to say):— A.D. 1923.

- (1) In laying and maintaining any mains pipes culverts or other works other than works situate upon lands on which the Corporation are authorised to manufacture or store gas (hereinafter included in the expression "the authorised works") over upon across or under or otherwise affecting any work or property of the railway company the Corporation shall execute and maintain such works with all reasonable despatch and under the direction and superintendence (if given) and to the reasonable satisfaction of the engineer of the railway company and (except in cases of emergency) in accordance with plans sections and specifications previously submitted to and reasonably approved by him :

Provided that if for a period of twenty-one days after the delivery thereof the engineer of the railway company neglects or refuses to approve or signify his disapproval of the said plans drawings and specifications he shall be deemed to have approved the same and if any difference shall arise with respect to such plans drawings and specifications it shall be determined as hereinafter provided Provided also that if the said engineer fails to give such direction or to superintend the works as aforesaid the Corporation may proceed without such direction or superintendence :

- (2) The Corporation shall with all reasonable despatch restore and make good to the reasonable satisfaction of the said engineer the railway and other property of the railway company and the roads over or under any bridge of the railway company or over any level crossing of such railway or over the approaches to any such bridge so far as the same may be disturbed or interfered with by or in connection with the authorised works :
- (3) If within fourteen days after the receipt of any such plans drawings and specifications as aforesaid the railway company give to the

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Corporation notice in writing that they themselves desire to construct so much of the authorised works shown thereon or referred to therein as will affect any work or property belonging to them other than the actual laying down connecting and altering of the mains pipes and works the railway company may themselves execute such portion of the authorised works and recover the reasonable cost thereof from the Corporation Provided that the railway company shall not in any way interfere with any works of the Corporation until they shall have made all such arrangements as the Corporation may reasonably require for preventing any loss or any interruption in the supply of gas :

- (4) The authorised works shall be constructed executed and maintained so as not to cause any injury or damage to the railway or other property of the railway company or any interruption to the passage or conduct of traffic over such railway or at any station thereon and if any such injury damage or interruption arises from the acts or operations of the Corporation or by reason of the failure of the Corporation to maintain the authorised works or from the bursting leakage or failure of the authorised works all such injury or damage shall forthwith be made good by the railway company at the expense of the Corporation and the Corporation shall indemnify the railway company from all claims for or arising out of any such injury damage or interruption and shall make compensation to the railway company for and in respect thereof :
- (5) In the event of the Corporation failing to maintain the authorised works where they affect any work or property of the railway company in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the railway company may make good the same and make and do in and upon the lands of the Corporation or their own lands all such repairs

and things as may be reasonably requisite and recover from the Corporation the reasonable expenses incurred by them in connection therewith :

- (6) The Corporation shall bear and on demand pay to the railway company the reasonable expense incurred by the railway company of and in connection with the employment by them during the construction and repair of the authorised works over under or across the railway or other property of the railway company of a sufficient number of inspectors signalmen or watchmen to be appointed by the railway company for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and repairing of the authorised works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person or persons in the employ of the Corporation or their contractors :
- (7) If at any time it is found necessary in order to enable the railway company under any powers vested in them at the date of the passing of this Act to carry out any alterations widenings or extensions of their railway or works that the position of the authorised works shall be altered the Corporation shall on receiving twenty-one days' notice in writing from the railway company so to do at the Corporation's own cost and with all reasonable despatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations widenings or extensions and the provisions of this section shall apply to the authorised works in their altered position :
- (8) Any additional expense which the railway company may reasonably and properly incur in connection with their railway or other works by reason of the existence of the authorised works shall be paid by the Corporation :
- (9) Any difference arising between the Corporation and the railway company respecting any of the

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matters referred to in this section shall be referred to and determined by an arbitrator to be appointed failing agreement at the request of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

PART X.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

Power to borrow.

138.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for 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 funds and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall respectively be “the prescribed period”) mentioned in the fourth column thereof (namely):—

| 1. | 2. | 3. | 4. |
|--|--------------|---|---|
| Purpose. | Amount. | Charge. | Period for Repayment. |
| (a) For the purchase of land for and in connection with the waterworks authorised by this Act and the water undertaking of the Corporation and the construction of the reservoir authorised by this Act. | £ 125,500 | The revenue of the water undertaking and the borough fund and borough rate. | Sixty years from the date or dates of borrowing. |
| (b) For the purchase of easements and for the construction of Works Nos. 2 to 11 authorised by this Act. | 43,100 | The revenue of the water undertaking and the borough fund and borough rate. | Thirty years from the date or dates of borrowing. |

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| 1. | 2. | 3. | 4. |
|---|--------------------|---|--|
| 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 and the borough fund and borough rate. | Thirty years from the date or dates of borrowing. |
| (d) For the construction of a purifier and gasholder. | 23,310 | The revenue of the gas undertaking the borough fund and borough rate. | Twenty years from the date or dates of borrowing. |
| (e) For the provision of gas stoves fires and fittings. | 8,000 | The revenue of the gas undertaking the borough fund and the borough rate. | Ten years from the date or dates of borrowing. |
| (f) For mains plant and general purposes of the gas undertaking. | 12,000 | The revenue of the gas undertaking the borough fund and the borough rate. | Twenty-five years from the date or dates of borrowing. |
| (g) For working capital in connection with the gas undertaking of the Corporation. | 25,000 | The revenue of the gas undertaking the borough fund and the borough rate. | Ten years from the date or dates of borrowing. |
| (h) 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. |

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(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

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A.D. 1923. — “the prescribed period”) as may be prescribed by the Minister of Health.

(3) The provisions of this section prescribing the revenue funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by the section of this Act of which the marginal note is “Power to use one form of mortgage for all purposes.”

Certain provisions of Public Health Acts not to apply.

139. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Mode of raising money.

140. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Provisions of Public Health Act 1875 as to mortgages to apply.

141. Subject to the provisions of the section of this Act whereof the marginal note is “Power to use one form of mortgage for all purposes” the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

- Section 236 (Form of mortgage);
- Section 237 (Register of mortgages);
- Section 238 (Transfer of mortgages).

Mode of payment off of money borrowed.

142. 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.

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143.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either :—

Sinking fund.

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at

A.D. 1923. the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister of Health that any such increase is necessary the Corporation shall increase the payments to such extent as that Minister may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the

moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay the moneys in respect of which the sinking fund is formed within the prescribed period the Corporation may with the consent of that Minister discontinue the annual payments to such sinking fund until the Minister of Health shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister of Health may determine.

144. Notwithstanding anything contained in the Acts or regulations governing the same the rate of accumulation of the annual payments to every accumulating sinking fund which has been formed by the Corporation for any purpose shall be three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve.

Rate of accumulation of annual payments to sinking fund for repayment of loans.

145. 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.

Power to invest all sinking funds in statutory securities.

146.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof

Power to use sinking fund instead of borrowing.

A.D. 1923. exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

- (a) a loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or
- (b) moneys borrowed and charged upon all revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

- (a) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (b) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;
- (c) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

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(4) The Corporation shall furnish all such information (if any) to the Minister of Health with regard to the exercise of the powers contained in this section as that Minister shall require.

147.—(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 forthwith to be 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.

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Power to
use one
form of
mortgage
for all
purposes.

148.—(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 obligations 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 obligations 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 town clerk 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 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 town clerk 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 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.

149.—(1) Notwithstanding anything contained in the Act of 1882 the Public Health Acts (Amendment) Act 1890 or in any other Act or Order on or after the thirty-first day of March nineteen hundred and twenty-four the Corporation may if they think fit establish a fund to be called "the consolidated loans fund" to which shall be paid as and when they are received—

Consoli-
dated loans
fund.

(a) All moneys borrowed by the Corporation whether by issue of stock or other security together with

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any moneys temporarily borrowed without security in connection with the exercise of duly authorised borrowing powers;

- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received and of all sums provided by the Corporation as aforesaid before the thirty-first day of March nineteen hundred and twenty-four.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

- (a) in the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; or
- (b) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation;

and any moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of

stock or other securities of the Corporation shall continue in force. A.D. 1923.

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

150.—(1) Any moneys borrowed or to be borrowed by the Corporation under any statutory borrowing power (including borrowing powers under this Act) shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation. Security for loans.

(2) The interest from time to time payable on any such moneys shall rank equally with the interest or dividends on all other securities of the Corporation created or granted in pursuance of any statutory borrowing power and all such interest and dividends shall be the first charge on all the revenues aforesaid.

151.—(1) The town clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in respect of any moneys raised by the Corporation under any statutory borrowing power and at any other time when the Minister of Health may require such a return to be made transmit to the Minister of Health a return in such form as may be prescribed by that Minister and if required by him verified by statutory declaration of the borough accountant showing for the year next preceding the making of such return or for such other period as the Minister may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest have been applied during the same period and the total. Return respecting sinking fund to Minister of Health.

[Ch. cvi.] *Macclesfield Corporation* [13 & 14 GEO. 5.]
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A.D. 1923. — amount (if any) remaining invested at the end of the year together with such further information (if any) as the Minister shall require and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

(2) If it appears to the Minister of Health by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Minister of Health in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister of Health may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

(3) From and after the passing of this Act section 135 (Annual return to Local Government Board) of the Act of 1882 shall be repealed.

Application
of money
borrowed.

152. All money borrowed under the provisions of this Act shall be applied only to the purposes for which it is authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable.

Expenses of
execution
of Act.

153. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund.

Audit of
accounts.

154. The provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and

paid under that Act shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

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155. 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.

Interest on mortgages held jointly.

156. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register.

Corporation not to regard trusts.

157. 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.

Receipt in case of persons not sui juris.

158. 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 (a) water undertaking and (b) gas undertaking (including the interest on any reserve fund by this Act authorised in connection with either of those undertakings when such 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 each of those undertakings shall be paid out of that fund.

Water and gas revenue and expenses.

159.—(1) As from the first day of April nineteen hundred and twenty-three the Corporation shall keep their accounts in respect of their (a) water undertaking and (b) gas undertaking so as to show under a separate heading or division on the one side all receipts in respect

Accounts of water and gas undertakings.

A.D. 1923. 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) :—

- (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 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) in the case of the water undertaking a sum equivalent to one-tenth of the aggregate capital expenditure for the time being by the Corporation upon the undertaking and (b) in the case of the gas undertaking a sum equivalent to one-fifth of the aggregate capital expenditure for the time being by the Corporation upon the undertaking.

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(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. A.D. 1923.

(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 or gas as the case may be 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 the said next succeeding 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 to be expended or set aside the reduction in charges may be such only as will reduce the revenue by the amount of the balance of such excess.

160. As from the first day of April nineteen hundred and twenty-three the following provisions of the Act of 1882 shall be repealed namely :—

- (a) Section 17 (Repeal of section 73 of Act of 1860 and new provision as to gas revenue);
- (b) Section 18 (Deficiency of funds of gasworks);
- (c) Section 27 (Provision as to water revenue);

Repeal of existing provisions as to water and gas revenue and deficiencies.

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- (d) Subsections (2) and (3) of section 101 (Raising of contributions to loans fund) so far as they affect the revenues of the water and gas undertakings of the Corporation;
- (e) Any other provisions of that Act so far as the same may be inconsistent with the sections of this Act whereof the marginal notes are respectively "Water and gas revenue and expenses" and "Accounts of water and gas undertakings."

For protec-
tion of
Cheshire
County
Council.

161. The following provisions for the protection of the county council of the administrative county of Chester (in this section referred to as "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed between the Corporation and the county council apply and have effect with respect to the exercise of any of the powers of this Act in or affecting any main road vested in the county council or any county hundred or main road bridge or approach thereto (that is to say):—

- (1) All mains pipes and works to be laid in or along any such road or in or upon or across any such bridge or approach shall be laid in such position therein as the county council in writing under the hand of their surveyor may reasonably direct;
- (2) The notices respectively required by section 30 of the Waterworks Clauses Act 1847 and section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such road bridge or approach be not less than seven days instead of three days except in cases of emergency as defined and provided for in the said sections;
- (3) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate widen or improve any main road or the approaches to any county hundred or main road bridge in or along which any mains pipes or works of the Corporation shall have been laid and the Corporation shall with all reasonable despatch on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position

of any such mains pipes or works in the manner and to the extent reasonably prescribed by such notice or as in case of difference shall be determined in the manner hereinafter provided and the county council shall repay to the Corporation the expense reasonably incurred by the Corporation in effecting any such alteration of the position of any such mains pipes or works;

- (4) Nothing in this Act contained shall interfere with the right of the county council at any time to remove alter rebuild widen or repair any county hundred or main road bridge or the roadway over the same over or near or attached to which any of the mains pipes or works are carried in the same manner as they might have removed altered rebuilt widened or repaired such bridge or the roadway over the same if this Act had not been passed and the mains pipes or works had not been laid over or near or attached to such bridge and the county council shall not make any compensation to the Corporation for any expense or loss to which the Corporation may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge or the roadway over the same over or near or attached to which any of the mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Corporation shall at their own expense alter the position of their mains pipes or works to the reasonable satisfaction of the surveyor of the county council Provided that during the removal alteration rebuilding widening or reparation of any such bridge or the roadway over the same as aforesaid the county council shall afford all reasonable facilities to enable the Corporation temporarily to carry the mains pipes and works across any stream or brook so as not to interrupt the continuous conveyance and supply of water or gas or to diminish the pressure of such supply through such mains or pipes or works;

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- (5) All works executed under or in pursuance of the powers of this Act shall be so executed as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road or over any such bridge or approach and the Corporation shall not break up at any one time a greater consecutive length than two hundred yards of any such road bridge or approach :
- (6) The county council shall not except in case of negligence be liable to the Corporation for any damage done to any work of the Corporation where laid under any such road caused by the reasonable use of a road roller or other engine not exceeding fifteen tons in weight and the Corporation shall indemnify the county council from claims for damages that may be made against the county council by reason of any sinking or subsidence of the road caused by the construction or failure of any such work ;
- (7) Any difference which may arise between the county council and the Corporation under this section shall be referred to and determined by a single arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

For protec-
tion of
Macclesfield
Rural
District
Council.

162. The provisions of the section of this Act the marginal note whereof is " For protection of Cheshire County Council " shall with any necessary modifications apply to and enure for the benefit of the Macclesfield Rural District Council in relation to roads bridges and approaches thereto (other than main roads and county hundred or main road bridges and approaches thereto) repairable by the said rural district council.

Power
to let
recreation
grounds
&c. to
cricket
clubs &c.

163. The Corporation may from time to time let for any period not exceeding twelve months to any club company body or persons any portion of any park or place of public resort or recreation set apart by them under the provisions of section 76 (Powers as to parks and pleasure gardens) of the Public Health Acts Amendment Act 1907 and may upon such portions so set apart erect construct maintain and let all proper and convenient houses pavilions dressing-rooms and other buildings works and conveniences :

Provided that nothing in this section shall empower the Corporation so to let at one and the same time more than fifty per centum of the total area of the parks or places of public resort or recreation for the time being belonging to them or under their control :

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Provided also that the powers given by this section shall not be exercised in such a way as to contravene any covenant or condition subject to which any park or place of public resort or recreation or any portion thereof so set apart as aforesaid is held by the Corporation.

164.—(1) The Corporation may in any year if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any one time (inclusive of accumulations of income) one-fifth of the aggregate capital sums for the time being expended by the Corporation on the recreation grounds houses pavilions dressing-rooms and other buildings which they may provide under the powers of the section of this Act the marginal note of which is "Power to let recreation grounds &c. to cricket clubs &c." to meet any deficiency of revenue or any extraordinary claim or demand unforeseen accident or extraordinary damage which may happen or be caused to the said buildings pay out of the borough fund such a sum as they may think fit but not exceeding in any one year two per centum of the aggregate amount for the time being expended by them as aforesaid.

Con-
tingency
fund for
recreation
grounds &c.

(2) Every sum set apart under this section shall be invested in statutory securities and the interest thereon shall be accumulated until the fund reaches one-fifth of the aggregate capital sums for the time being expended by the Corporation on the said recreation grounds and buildings or is required for any of the purposes mentioned in this section.

165. The Corporation may from the first day of October to the first day of May close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes free from any restriction contained in the Baths and Washhouses Acts 1846 to 1899 or any Act amending the same.

Use of
swimming
baths in
winter.

166.—(1) The Corporation may appoint and remove such officers as they may deem necessary to assist the

Power to
appoint
officers to

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—
assist
overseers.

overseers in the discharge of their duties and the salaries and expenses of such officers shall be determined by the Corporation and paid out of the poor rate and other local rates and funds in such proportions as the Corporation shall determine.

(2) All officers so appointed shall give security for the due performance of their duties as may be required by the Corporation and such security shall be deposited with the Corporation.

Assistant
overseers
appointed by
Corporation
not to give
security to
guardians.

167. Assistant overseers appointed by the Corporation shall not be required to give security to the guardians of the union under section 61 of the Poor Law Amendment Act 1844.

Provisions
of Public
Health Act
1875 as to
public
lighting to
apply.

168.—(1) From and after the thirty-first day of March nineteen hundred and twenty-four the provisions of the Public Health Act 1875 with regard to the lighting of streets shall apply in the borough.

(2) Section 64 of the Macclesfield District Gas Act 1860 is hereby repealed.

Service of
summons on
members
of council.

169. 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.

Power to
enter
premises.

170. 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 V. (Markets and slaughter-houses) Part VI. (Streets buildings sewers and drains) and Part VII. (Infectious disease and sanitary matters) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on
occupier
refusing
execution
of Act.

171. 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 VI. (Streets buildings sewers and drains) and Part VII. (Infectious disease and sanitary matters) 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 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.

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172.—(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.

Authentica-
tion and
service of
notices &c.

(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.

173. 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

In exe-
cuting
works for
owner Cor-
poration
liable for
negligence
only.

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be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

As to
breach of
conditions
of consent
of Cor-
poration.

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

Consents
of Cor-
poration
to be in
writing.

175. All consents given by the Corporation under the provisions of this Act or of any local Act Provisional Order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Evidence of
appoint-
ments
authority
&c.

176. 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.

177. 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.

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

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—
Apportionment of expenses in case of joint owners.

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

Recovery of penalties &c.

180. 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 demands.

181. 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.

Penalties to be paid over to treasurer.

182. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Informations by whom to be laid.

183. 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

Saving for indictments &c.

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A.D. 1923. 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.

Summons or warrant may contain several sums.

184. 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.

Confirmation of byelaws.

185. The provisions of the following sections of the Public Health Act 1875 (namely):—

Section 182 (Authentication and alteration of bye-laws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act.

As to appeal.

186. 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 Part V. (Markets and slaughter-houses) Part VI. (Streets buildings sewers and drains) and Part VII. (Infectious disease and sanitary matters) of this Act or by any order made by a court of summary jurisdiction under the said provisions 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 the Corporation may in like manner appeal.

Compensation how to be determined.

187. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be

ascertained in the manner provided by the Public Health Acts. A.D. 1923.

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

189. 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.

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

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

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

192. The limits of this Act shall for the purposes of Parts IV. to VIII. inclusive be the borough. Limits of Act.

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

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—
Costs of
Act.

194. 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.

A.D. 1923.

FIRST SCHEDULE.

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

| | |
|--|--|
| <p>1. Name of the street or road &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 residence - - - - (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> | |

A.D. 1923.

| | |
|--|--|
| <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>i.e.</i> 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 19 (State in each case whether borne by the landlord or tenant.)</p> | <p>(a) £ . Borne by the (b) £ . Borne by the</p> |

A.D. 1923.

| | |
|---|--|
| <p>1. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -</p> | |
| <p>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.)</p> | |

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 the foregoing Act of which the marginal note is "Power to use one form of mortgage for all purposes."

FORM OF MORTGAGE.

BOROUGH OF MACCLESFIELD.

By virtue of the Macclesfield Corporation Act 1923 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Macclesfield (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 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

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A.D. 1923. 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 municipal offices
in the said borough [(subject as hereinafter provided) on the
_____ day of _____ nineteen hundred and
or (if not repaid on that date) at any time thereafter on the
expiration of three calendar months' notice in writing by the
Corporation to the mortgagee or by the mortgagee to the
Corporation] [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 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.

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)

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executors administrators and assigns (the within-written security) A.D. 1923.
(the mortgage number _____ of the revenues of the mayor
aldermen and burgesses of the borough of Macclesfield 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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