



CHAPTER cvii.

An Act to consolidate the Acts and Orders relating to the electricity undertaking of the mayor aldermen and burgesses of the borough of Stoke-on-Trent and to confer further powers upon them with respect thereto to consolidate the local rates in the borough to make better provision for the health local government and finances of the borough and for other purposes. A.D. 1923.
[2nd August 1923.]

WHEREAS by the borough of Stoke-on-Trent Order 1908 (hereinafter referred to as "the Order of 1908") which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 3) Act 1908 the boroughs of Burslem Hanley Longton and Stoke-upon-Trent the urban district of Tunstall and a portion of the urban district of Fenton were amalgamated and constituted the borough of Stoke-on-Trent and by the Stoke-on-Trent (Extension) Order 1921 (hereinafter referred to as "the Order of 1921") which was confirmed by the Ministry of Health Provisional Order Confirmation (Stoke-on-Trent Extension) Act 1921 the boundary of that borough was extended:.

And whereas by the Order of 1908 the electricity undertakings of the mayor aldermen and burgesses of the boroughs of Burslem Hanley Longton and Stoke-upon-Trent by which electricity was supplied in those boroughs and in the urban district of Tunstall and the said portion of the urban district of Fenton were transferred to the

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— mayor aldermen and burgesses of the borough of Stoke-on-Trent by that Order constituted and Article XVIII. of that Order provided that those undertakings should be carried on as separate undertakings unless and until the same should with the consent of the Local Government Board be combined :

And whereas the area of supply in connection with the Burslem electricity undertaking was extended by the Stoke-on-Trent Electric Lighting (Extension) Order 1913 (hereinafter referred to as "the Electricity Order of 1913") which was confirmed by the Electric Lighting Orders Confirmation (No. 1) Act 1913 so as to include the Wolstanton Ward of the urban district of Wolstanton (United) :

And whereas in the year 1914 the four undertakings aforesaid were with the consent of the Local Government Board combined and the mayor aldermen and burgesses of the borough of Stoke-on-Trent as constituted by the Order of 1921 (hereinafter referred to as "the Corporation" and "the borough" respectively) are now authorised to supply and do supply electricity in the borough and in the Wolstanton Ward aforesaid and in bulk to the mayor aldermen and burgesses of the borough of Newcastle-under-Lyme under or by virtue of some or one of the unrepealed provisions of the Acts and Orders (hereinafter referred to as "the electricity Orders") specified in the First Schedule to this Act :

And whereas each of the electricity Orders other than the Electricity Order of 1913 is in force in a different part of the borough many of the provisions of those Orders are obsolete owing to the changes which have taken place in the areas of local government and some of those Orders incorporate and some do not incorporate all or some of the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 and it would be of local and public advantage if such of the provisions of the electricity Orders and of the Acts of Parliament confirming the same as it is deemed expedient to retain were consolidated with amendments and additions into one Act :

And whereas the borough is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the Corporation acting by the council are the urban sanitary authority for the borough :

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And whereas there are in the borough many highways which are culs-de-sac and which it is desirable to close and vacant and unfenced or insufficiently fenced pieces of land on which are situate shafts pits ponds and other sources of danger to children straying thereon and it is expedient that special powers in respect of the same should be conferred upon the Corporation :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to streets buildings sewers drains and watercourses in the borough :

And whereas by virtue of Article XVII. of the Order of 1908 the markets and slaughter-houses in the borough are now regulated by the provisions of the Public Health Act 1875 and the enactments incorporated therewith and it is expedient that the powers and provisions relating to those matters which are contained in this Act should be granted and made :

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

And whereas the expenses of the Corporation whether as a municipal or sanitary authority or otherwise are payable out of the borough fund and borough rate or out of the district fund and general district rate of the borough :

And whereas in the borough there are thirteen different districts for the purpose of rating for sanitary purposes and six different districts for the purpose of rating for repayment of certain loan charges in each of which a separate rate is levied for those purposes and the general district rate of each separate district is made subject to provisions for differential rating in certain cases :

And whereas it is expedient that all the said expenses of the Corporation should be defrayed out of the borough fund and borough rate :

And whereas the parish of Stoke-on-Trent is coterminous with the borough and it is expedient that the contributions of such parish to the borough rate should

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And whereas it is expedient that the moneys borrowed and to be borrowed by the Corporation should be charged indifferently upon all the revenues of the Corporation and that further powers should be conferred upon the Corporation with reference to the finance of the borough as by this Act provided :

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

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

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

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

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the *Stoke-on-Trent Corporation Act 1923.*

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

Part	I.—Preliminary.
Part	II.—Electricity.
Part	III.—Streets and buildings.
Part	IV.—Sewers drains and watercourses.
Part	V.—Sanitary.
Part	VI.—Human food.
Part	VII.—Infectious and contagious diseases.
Part	VIII.—Baths parks and public buildings.

- Part IX.—Markets and slaughter-houses. A.D. 1923.
Part X.—Hackney carriages and traffic. —
Part XI.—Rating.
Part XII.—Finance.
Part XIII.—Miscellaneous provisions.

3. In this Act the several words and expressions to which meanings are assigned by the Act partially incorporated herewith or by the Public Health Act 1875 have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.
And—

“The borough” means the borough of Stoke-on-Trent as constituted at the passing of this Act;

“The Corporation” means the mayor aldermen and burgesses of the borough whether acting as the municipal Corporation of the borough or as the town council of the borough;

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

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

“The town clerk” “the treasurer” “the surveyor” “the medical officer” and “the sanitary inspector” mean respectively the town clerk the treasurer the surveyor and the medical officer of health of the borough and the deputy medical officer of health and any sanitary inspector appointed by the Corporation in pursuance of the powers of this Act or any public Act and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any of such officers;

“The Order of 1908” and “the Order of 1921” mean respectively the borough of Stoke-on-Trent Order 1908 confirmed by the Local Government Board’s Provisional Order Confirmation (No. 3) Act 1908 and the Stoke-on-Trent (Extension) Order 1921 confirmed by the Ministry of Health Provisional Order Confirmation (Stoke-on-Trent Extension) Act 1921;

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“The Act of 1922” means the Stoke-on-Trent (Gas Consolidation) Act 1922;

“The electricity undertaking” means the electricity undertakings of the mayor aldermen and burgesses of the boroughs of Burslem Hanley Longton and Stoke-upon-Trent respectively which were transferred by the Order of 1908 to the Corporation by that Order constituted and which were subsequently combined with the consent of the Local Government Board pursuant to Article XVIII. of that Order and are now vested in the Corporation under the Order of 1921 and all electric lines and works lands buildings easements and other real and personal estate rights powers and privileges held and enjoyed or exerciseable by the Corporation in connection with the combined undertaking or any part thereof under the provisions of the repealed Orders or this Act;

“The Bulk Supply Order of 1919” means the order made by the Board of Trade on the eighteenth day of February one thousand nine hundred and nineteen under the provisions of section 4 of the Electric Lighting Act 1909 authorising the Corporation to supply electricity in bulk to the mayor aldermen and burgesses of the borough of Newcastle-under-Lyme;

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

“Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday;

“Child” means a person under the age of fourteen years;

“Hackney carriage” and “omnibus” shall have the same respective meanings as those assigned to these expressions by section 38 of the Town Police Clauses Act 1847 and section 3 of the Town Police Clauses Act 1889 respectively;

“The arbitrator” means the arbitrator to whom any question of disputed purchase money or com-

pensation under the Acquisition of Land (Assessment of Compensation) Act 1919 is referred;

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

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

“Statutory borrowing power” means any power whether or not coupled with a duty of—

(a) Borrowing or continuing on loan or re-borrowing money; or

(b) Redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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

PART II.

ELECTRICITY.

4. Subject to the provisions of this Act the un-repealed provisions of the Acts and Orders specified in the First Schedule to this Act (in this Part of this Act referred to as “the repealed Orders”) are hereby repealed to the extent indicated in the fourth column of that schedule. Provided that the provisions of the repealed Orders as set out at length in the Second Schedule to this Act shall form part of this Act and shall have and

Repeal of
electricity
Orders.

A.D. 1923. — continue to have the same effect as if this Act had not been passed.

Savings
from effect
of repeal.

5. Notwithstanding the repeal of the repealed Orders as aforesaid :—

- (a) All existing bonds mortgages annuities stock or other securities granted payable or created by the Corporation in consequence of any of the repealed Orders shall be and continue valid and available for all purposes and for and against all parties :
- (b) All property vested in the Corporation at the passing of this Act shall continue vested in the Corporation and all acts works matters and things before the passing of this Act done or commenced under the powers of the repealed Orders or any of them and which were at the passing of this Act valid and available or in progress and all existing agreements awards conveyances contracts deeds instruments leases obligations restrictions conditions rights and remedies shall be and continue valid and available for and against all parties and may be continued enforced and completed as if this Act had not been passed :
- (c) All actions arbitrations prosecutions and proceedings by with or against the Corporation by reason of any matter or thing accruing or done before the passing of this Act under or in execution of or in relation to the provisions of the repealed Orders or any of them may be continued commenced taken made or prosecuted by or against the Corporation as if this Act had not been passed :
- (d) All existing rules regulations orders and licences made or granted under or in execution of any of the repealed Orders shall continue in force until repealed altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act :
- (e) All rates rents and other sums at the passing of this Act due or accruing due to the Corporation under or by virtue of the repealed Orders may

be collected and recovered by the Corporation as if this Act had not been passed: A.D. 1923.

- (f) All books and documents which under any of the repealed Orders or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed:
- (g) Any agreement or document relating to the provisions of any of the repealed Orders which are re-enacted at length or by incorporation in this Act shall be of full force and effect and shall be deemed to refer to the provisions in that behalf contained in this Act.

6. The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 (with the exception of sections 7 83 and 84 of that schedule) are incorporated with and form part of this Act. Provided that sections 23 and 65 of the schedule shall apply to the portion of the electricity undertaking situate within the urban district of Wolstanton (United) as if the Corporation were the local authority. Incorporation of provisions of schedule to Electric Lighting (Clauses) Act 1899.

7.—(1) The area of supply for the purposes of this Act and within the meaning of section 4 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be the borough and the Wolstanton Ward of the urban district of Wolstanton (United) in the county of Stafford as constituted on the fifteenth day of August one thousand nine hundred and thirteen. Area of supply.

(2) The Corporation may also supply electricity in bulk to the mayor aldermen and burgesses of the borough of Newcastle-under-Lyme upon the terms and subject to the conditions contained in the Bulk Supply Order of 1919.

8. Subject to the provisions of this Act the Corporation may from time to time maintain continue and extend the electricity undertaking and may use the lands described in the Third Schedule to this Act for the purposes of that undertaking and may thereon continue maintain use and work a station or stations with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for generating electricity for the purpose of giving a supply under this Act: Power to maintain electricity undertaking and generating stations.

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Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the consent of the Electricity Commissioners under section 11 of the Electricity (Supply) Act 1919 to the establishment of a new or the extension of an existing generating station.

Power to
construct
electrical
sub-stations
under
streets.

9. The Corporation may in or under any street repairable by the inhabitants at large within the area of supply and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use within the same area and subject to the provisions of the Electricity (Supply) Acts 1882 to 1922 and the provisions with respect to the breaking up of streets railways and tramways contained in the Electric Lighting (Clauses) Act 1899 construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient. Provided that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions 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. Provided also that the Corporation shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway or canal or under any bridge carrying a railway over a street or within ten feet of any abutment of any such bridge or (b) so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company or the access to the towing-path of a canal constructed and maintained under statutory authority.

Power to
lay electric
mains in
streets not

10. The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not repairable by

the inhabitants at large within the area of supply supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the provisions with respect to the breaking up of streets contained in the Electric Lighting (Clauses) Act 1899 shall extend and apply mutatis mutandis to and for the purposes of this Act as if such street had been specified in a schedule thereto.

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repairable
by in-
habitants
at large.

11. Subject to the provisions incorporated with this Act the Corporation are specially authorised by this Act to break up the railways and tramways which are respectively mentioned in the Fourth Schedule to this Act :

Power to
break up
railways
and tram-
ways.

Provided that where the exercise of the powers of the Corporation under this section will involve the placing of any works alongside and within three feet of any rail of any existing tramway or light railway of the Potteries Electric Traction Company Limited or the North Staffordshire Tramways Company Limited the provisions of section 15 of the schedule to the Electric Lighting (Clauses) Act 1899 shall with any necessary modification apply and have effect as if such works were placed over or under such tramway.

12. For the protection of the North Staffordshire Railway Company (in this section hereinafter referred to as "the company" which expression shall be deemed to include any company with whom the company may be amalgamated in accordance with the provisions of the Railways Act 1921) the following provisions in relation to this Part of this Act shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say) :—

For protec-
tion of
North Staf-
fordshire
Railway
Company.

- (1) If by reason of subsidence it shall be necessary in the opinion of the engineer of the company for the company to carry out in the exercise of their existing powers works for rebuilding altering or repairing any level crossing or bridge over any of the railways or canals of the company which involve interference with any electric wire cable main pipe or work belonging to the

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Corporation and laid constructed or maintained by them under the powers of this Act in on or under any such level crossing or bridge the company shall seven days prior to the commencement of any such work as aforesaid give notice in writing under the hand of the engineer of the company of their intention to carry out the said work and in the event of the Corporation not themselves removing and relaying such electric wire cable main pipe or work they shall pay to the company the reasonable costs charges and expenses of removing any such electric wire cable main pipe or work of providing a temporary wire cable main pipe or work for use during the alteration reconstruction or rebuilding of any such level crossing or bridge as aforesaid and of replacing the said wire cable main pipe or work in on or under the said level crossing or bridge as altered reconstructed or rebuilt :

- (2) In the event of any dispute or difference arising between the company and the Corporation under this section the same shall be referred to an arbitrator to be agreed upon between the company and the Corporation and failing such agreement to be nominated by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Maximum
prices.

13. The maximum prices which may be charged by the Corporation as mentioned in section 32 of the schedule to the Electric Lighting (Clauses) Act 1899 are those stated in the Fifth Schedule to this Act.

Discount on
electric
supply
accounts.

14. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Corporation for the supply of electricity from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges. Provided that the Corporation shall make the same allowance to all consumers under similar conditions.

15. If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement. 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 manner in which the electricity is used contrary to the terms of such agreement.

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Provisions
as to supply
of electricity
by agree-
ment.

16.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or Minister of Transport used by any consumer of electricity being proved to register erroneously 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 paid to or 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 charges for electricity are recoverable by the Corporation.

17. The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with the electricity undertaking and offices show rooms and other buildings for the purposes of that undertaking and they may also erect maintain and let any such buildings upon any lands for the time being belonging or leased to them for those purposes.

Showrooms
and dwell-
ing-houses
for em-
ployees.

18. In case any owner or occupier of premises who has hired from the Corporation any electric line fitting apparatus or appliance (in this section referred to as "fittings") sells or leaves the premises in which such fittings are fixed or fastened and the next owner or occupier of those premises desires to purchase instead of to hire those fittings the Corporation may notwithstanding anything contained in the Electricity (Supply) Acts 1882

Sale of
electrical
apparatus
let on hire.

A.D. 1923. to 1922 sell those fittings to such next owner or occupier upon such terms and conditions as may be agreed between him and the Corporation.

Entry upon premises
Penalty for obstruction.

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

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

Power to recover charge for reconnection.

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

Application of revenue of electricity undertaking.

21. The Corporation shall apply all moneys received by them in respect of the electricity undertaking except moneys borrowed and money received from the sale of lands or other moneys received on capital account as follows (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the electricity undertaking;

Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of the electricity undertaking;

Thirdly In providing the required appropriations instalments or sinking fund payments in respect of moneys borrowed by the Corporation for the purposes of the electricity undertaking;

Fourthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they 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 one-fifth of the aggregate capital expenditure for the time being upon the electricity undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the electricity undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the electricity undertaking or for extending improving and constructing (if the Corporation think fit) any works for the purposes of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed limit 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 full amount of one-fifth of the said aggregate capital expenditure:

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And any balance remaining in any year of the income of the electricity undertaking (including the interest on the reserve fund when such fund amounts to one-fifth of the said aggregate capital expenditure) shall after making reasonable provision for working capital be carried forward to the revenue account of the electricity undertaking for the next succeeding year and shall be applicable to the reduction of the price of electricity supplied within the borough.

22. Any deficiency in the revenues or receipts of the Corporation on account of the electricity undertaking in any year shall be made good in the first instance out of the reserve fund (if any) in connection with such undertaking and if there be no such reserve fund or if such reserve fund shall be insufficient for the purpose then out of the borough fund but in that case any deficiency shall be a debt due from and shall be repaid to the borough fund out of any future revenue of the electricity undertaking.

As to deficiency in receipts.

A.D. 1923.

PART III.

STREETS AND BUILDINGS.

Power to
stop up
highways
where un-
necessary.

23.—(1) The Corporation may from time to time by order stop up wholly or partially any highway in the borough which in their opinion is unnecessary on such terms as to the vesting of the soil and other matters as may be agreed on between the Corporation and the owners lessees and occupiers of buildings and lands abutting on the highway and on any highway being so stopped up all public and other rights of way in over or upon the same shall be absolutely extinguished :

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

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

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

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

(5) In any case in which the Corporation fail to agree with all the owners lessees and occupiers of the buildings and lands abutting on a highway which the Corporation

propose to stop up under the provisions of this section the procedure prescribed by the Highways Act 1835 shall be observed as if this section had not been enacted. A.D. 1923.
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24. Section 31 (Fencing of lands adjoining streets) of the Public Health Acts Amendment Act 1907 in its application to the borough shall extend and apply as if:—

Extension of section 31 of Public Health Acts Amendment Act 1907.

(1) The following words were inserted therein (that is to say):—

(a) After the words “a source of danger to passengers” the words “using the street or to children straying on such land”;

(b) After the words “under this section” the words “either in respect of the whole of the unfenced or inadequately fenced land adjoining the street or in respect of any portion thereof”;

(c) After the words “requiring the land” the words “specified in the order or any part thereof”;

(d) In lieu of the words “any fence of the land to be repaired” the words “any fence of such land to be repaired”; and

(e) After the words “cause the land” the words “specified in the order or any part thereof”; and

(2) The following proviso were inserted at the end of that section (that is to say):—

“Provided that if any order is made under this section in respect of any portion of any unfenced or inadequately fenced land adjoining any street the fences thereof or thereon shall for the purposes of this section be deemed fences of the land adjoining the street.”

25.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new streets to be constructed are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges

Adjustment of boundaries.

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of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister of Health and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid. Provided that the payment of money or the conveyance or exchange of any mines or minerals or the removal or surrender of any mining rights whether affecting the surface or otherwise by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid

the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister of Health and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

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(5) Nothing contained in this section shall be construed to extend to mines or collieries so as to interfere with or to obstruct the efficient working of the same or the efficient treatment or manufacture therein or thereon of the produce of mines nor to lands or buildings used for the smelting of ores and minerals or the calcining puddling and rolling of iron and other metals or the conversion of pig iron into wrought iron so as to obstruct or interfere with any of such processes respectively.

26.—(1) Where any street or road repairable by the inhabitants at large in the borough or any part of such street or road is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises. No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line.

Power to
define future
line of
existing
streets.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if

A.D. 1923.

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required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the street or road and 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 in manner hereinafter provided Provided that the Corporation shall not be required by any owner to purchase any land under the provisions of this section until a building shall have been erected on the land immediately behind the land to be purchased.

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

(4) The amount of compensation or purchase money to be paid by the Corporation under this section shall in case of difference be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 and the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated in such arbitration and shall be set off against the said compensation or purchase money.

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

Continuation of existing streets to be deemed new streets.

27. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street.

28.—(1) Whenever application shall be made to the Corporation to approve the formation of a new street on any estate or lands it shall be lawful for the Corporation to require that the new street shall be formed of such width as the Corporation shall require :

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Width of
new streets.

Provided that in the event of the Corporation requiring any new street to be of any greater width than the following (hereinafter in this Act called "the prescribed width") namely :—

(a) In the case of a new street which in the opinion of the Corporation will form a main thoroughfare or a continuation of a main thoroughfare or means of communication between main thoroughfares in the borough or a continuation of a main approach or means of communication between main approaches to the borough sixty feet; or

(b) In the case of any other new street the width required for such street by any Act or byelaw for the time being in force within the borough;

the Corporation shall purchase from the owner of such estate or lands and such owner shall sell to the Corporation any additional land necessary to make such new street of such greater width as aforesaid and shall also make compensation to such owner for any loss or damage sustained by him by reason of the Corporation requiring the street to be of such greater width as aforesaid.

(2) The purchase money payable by the Corporation in respect of any such additional land as aforesaid shall in default of agreement be a sum equal to the pro rata proportion of the amount which shall at the date on which the Corporation require the new street to be of such greater width be the value of so much of the undeveloped land of the same owner as is or will be developed or improved by the intended works of street formation on the estate of which such additional land forms part.

(3) If by reason of the Corporation requiring any new street to be of any such greater width as aforesaid any land of any owner adjoining such new street will be or has become so reduced in area that it cannot having regard to the provisions of any Act or byelaw in force within the borough be used for building purposes and such owner shall within three months from the date of

A.D. 1923: his receiving notice of such requirement give to the Corporation written notice so desiring the Corporation shall in lieu of paying such owner compensation as aforesaid purchase from such owner and such owner shall sell to the Corporation such reduced area of land and the purchase money payable in respect of any such reduced area as aforesaid shall be the amount which shall be the value thereof at the date on which the Corporation require the new street to be of such greater width.

(4) The amount of any compensation and of any purchase money payable under this section and any difference thereunder as to whether any land has become so reduced in area as aforesaid shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 but in estimating the amount of any such compensation the benefit accruing to the property of which such additional land forms part by reason of the street being of such greater width shall be fairly estimated and set off against such compensation.

(5) Nothing contained in this section shall require an owner to incur any greater expense in the execution of any street works than he would have been required to incur if the new street had been of no greater width than the width required for such street under any byelaw for the time being in force within the borough and any additional expense incurred in the execution of street works by reason of the new street being of such greater width shall be borne by the Corporation.

Building
line in new
streets.

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

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line for such street has been approved by the Corporation nor beyond or in front of the building line approved by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings. A.D. 1923.

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

(4) In the event of the Corporation requiring as a condition for their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of the street than one-half of the width of the street and ten feet in addition the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

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

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

(7) (a) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction 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 court may direct.

A.D. 1923.

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Application
of purchase
money in
certain
cases.

30. The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase money or compensation coming to parties having limited interests or prevented from treating or not making title are hereby incorporated with this Act and shall apply to any purchase money or compensation payable under the foregoing provisions of this Part of this Act.

Widening of
roads when
only one
side is built
upon.

31.—(1) When a road footpath or way within the borough is about to become a new street within the meaning of the Public Health Acts but the land on only one side of such street has been or is in course of being built on the Corporation may in any case in which they would be empowered to require the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the borough require such owner to widen such road footpath or way so as to give a width not less than one-half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land.

(2) If and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Corporation :

Provided that he shall not under this subsection be required to pull down any building erected before the passing of this Act.

For prevent-
ing soil &c.
from being
washed into
streets.

32. The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon any private street communicating with any public street in the borough shall within one month from the receipt of a notice in writing from the Corporation requiring them so to do so fence off channel or embank their lands as to prevent soil sand clay cinders refuse or other like substances from such lands from falling upon or being washed or carried into any public street or sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully Any person failing to comply with such notice shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

For the purposes of this section "public street" means a street repairable by the inhabitants at large and "private street" means a street not so repairable: A.D. 1923.

Provided that such owner or occupier shall not be responsible for any soil sand clay cinders refuse or other substances from land other than his own although such soil sand clay cinders refuse or other substances may have passed over the land of such owner or occupier Provided further that this section shall not apply to any land of a bonâ fide agricultural character or to any woodland.

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

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

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within fourteen clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs 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.

35.—(1) No person except with the consent of the Corporation shall in any new street (not being a highway repairable by the inhabitants at large) in the borough commence to erect any new building or to excavate the No building allowed until street defined.

A.D. 1923. foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and the level thereof and at least the foundation and preliminary formation of the street including the laying of the sewer have been carried out.

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

Power to
grant
licences for
bridges over
streets.

36.—(1) The Corporation may subject as hereinafter provided 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 in the borough 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 given on such reasonable terms and with under and subject to such reasonable covenants conditions and agreements as the Corporation may require Provided that 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.

(2) Any licence given under this section shall not in any way affect the rights of the owners of the property adjoining and up to the line of the street or highway or authorise any interference with the property or rights of the tramways and light railways of the Potteries Electric Traction Company Limited or the North Staffordshire Tramways Company Limited respectively or the convenience of persons using such street or highway.

(3) 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.

A.D. 1923.

(4) If any person shall construct a bridge over any such street or highway without such licence or shall fail to remove the same on the termination of his licence or shall construct or use the same otherwise than in accordance with the terms and conditions of the licence he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

37.—(1) Before any person shall erect on any land within the borough a retaining wall (not being a wall forming part of a building) of greater height than six feet abutting on or adjacent to any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

As to erection of retaining walls.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

Sanitary conveniences for workmen engaged on buildings.

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

39. The Corporation may make byelaws with respect to—

Byelaws as to erection of dwelling-houses under continuous roof light to buildings &c.

- (i) The number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) The provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;

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- (iii) The situation construction and height of walls or fences upon or across such open space;
- (iv) The lighting of new buildings and in cases where structural alterations are proposed to be made of existing buildings Provided that this subsection shall not apply to any building (not being a dwelling-house) erected or intended to be erected in connection with any mine and used or intended to be used exclusively in connection therewith; and
- (v) For securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and for protecting waterclosets against frost and preventing the improper use of such closets and of the blocking of the pipes therefrom.

Area of
habitable
rooms.

40. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Food
storage ac-
commoda-
tion to be
provided.

41.—(1) Every dwelling-house erected in the borough 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.

(2) (a) Every dwelling-house in the borough erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after

the service of such notice provided he gives twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs. Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

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

42. The owner of any dwelling-house erected in the borough whether before or after the passing of this Act which is not provided with a proper water supply within such dwelling-house who shall occupy the same or allow the same to be occupied shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings:

As to houses
without
water
supply.

Provided that—

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

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

(c) If in any case the owner alleges that the occupier of any dwelling-house which was erected before the passing of this Act and in respect of which any work is required to be executed under the provisions of this subsection ought to bear or contribute to the

A.D. 1923.

expenses of the execution of such work he may apply to a court of summary jurisdiction and such court shall have power to make such order as the court may think fit :

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

Means of
escape from
buildings in
case of fire.

43.—(1) Every new building erected in the borough after the passing of this Act which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation in the circumstances of the case and the owner of any such building shall not permit the same to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) From and after the first day of January one thousand nine hundred and twenty-four the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified

in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required. A.D. 1923.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Corporation under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he gives twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(b) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under either of the said subsections.

(5) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirement of the Corporation under this section.

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to a court of summary jurisdiction and thereupon the court after hearing the occupier may make such order as appears to the court just and equitable in all the circumstances of the case.

(7) The means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(8) The provisions of this section shall not apply to any factory or workshop to which sections 14 (Provision of

A.D. 1923. means of escape in case of fire) and 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same apply.

(9) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Removal of dilapidated and neglected buildings.

44.—(1) Where an unoccupied building in the borough is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option to take down or repair such building (in this section referred to as a "neglected structure") or any part thereof or otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

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

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As to dangerous buildings.

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

46. In exercising any powers of entry and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or the 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.

47. 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 a railway or canal company as a part of or for the purposes of their railway or canal under any statutory powers or to any lands held or acquired or which may hereafter be held or acquired by such company and used for the purposes

Saving for railway companies.

A.D. 1923. (other than for a dwelling-house) of their railway or canal with the authority of Parliament.

Saving with respect to town planning schemes.

48. No owner of property or other person desiring to obtain the insertion of any provision in any town planning scheme which may at any time be made with reference to any land within the borough shall be prevented from or prejudiced in so doing by reason of the fact that such provision would be inconsistent with or involve the suspension of any provision contained in this Part of this Act,

PART IV.

SEWERS DRAINS AND WATERCOURSES.

Power to require specially enlarged sewer in new street.

49. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street or the lands draining thereto the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Corporation may order houses to be drained by a combined drain.

50.—(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 subject as hereinafter provided 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.

A.D. 1923.

(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) 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 court of summary jurisdiction 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 court of summary jurisdiction 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 court may direct.

51.—(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 sanitary inspector 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.

Provisions
in lieu of
section 19 of
Public
Health Acts
Amendment
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.

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Corporation
to make
communi-
cations be-
tween pri-
vate drains
and their
sewers on
payment &c.

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

Power to
lay drains in
private
streets.

53. The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Notice of
intention
to repair
drains.

54.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the sanitary inspector or any officer of the Corporation authorised in writing by him for the purpose of inspection.

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

(4) The provisions of this section shall not apply to any drain in or under lands belonging to a railway or canal company and held or used by that company for the purposes of their railway or canal.

Improper
construction

55. If a watercloset drain or soil pipe in the borough is so constructed or repaired as to be a nuisance or injurious

or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair is not due to any wilful act or to any neglect or default be liable to a penalty not exceeding twenty pounds :

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—
or repair of
waterclosets
&c.

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

56. If any person cause any drain watercloset earthcloset privy or ashpit in the borough to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Wilful
damage to
drains
waterclosets
&c.

57.—(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.

Prohibiting
entry of pe-
troleum &c.
into sewers.

(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 1 to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

A.D. 1923.

—
Power to
require
water-
courses to
be cul-
verted.

58.—(1) If any watercourse situate upon any land in the borough laid out for building or used for tipping refuse or on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner or owners of such lands or the person using the same for tipping refuse to substitute for such watercourse a pipe drain or culvert with all necessary gullies pipes and means of conveying surface water thereinto Provided that in the case of land laid out for building nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse wholly or partly belonging to any person other than the owner of the land so laid out for building.

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

Streams not
to be
covered
over ob-
structed or
diverted
except in
accordance
with plans.

59.—(1) It shall be not lawful to culvert cover over stop up obstruct or divert any watercourse within the borough except in accordance with plans and sections to be submitted to and approved by the Corporation such approval not to be unreasonably withheld or delayed and any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings:

Provided that—

- (a) No requirement of the Corporation in relation to such plans and sections shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted;
- (b) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity

of the works required by the Corporation to be executed under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto. A.D. 1923.

(3) The provisions of this section shall not apply to any watercourse which the North Staffordshire Railway Company are empowered to culvert cover over or divert for or in connection with the maintenance of their railway or canal but in so culverting covering over or diverting any such watercourse the water-carrying capacity thereof shall not be diminished.

60. Any 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 watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such watercourse notwithstanding that the same may not be injurious to health : Watercourse choked up to be a nuisance under Public Health Act 1875.

Provided that this section shall not apply to the choking or silting up of any watercourse by the working of any mines in a manner proper and necessary for the beneficial working thereof and according to the usual manner of working such mines in the district.

61. Every person who throws deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any watercourse within the borough so as to interfere with the due flow of such watercourse shall be liable to a penalty not exceeding five pounds. Penalty for throwing rubbish into streams.

PART V.

SANITARY.

62.—(1) The Corporation may prescribe the size and materials of ashbins for use within the borough and any ashbin required by the Corporation to be provided by the owner or occupier of any premises shall be of the size and materials so prescribed. Regulation ashbins.

(2) In any case in which an ashbin already provided by the owner or occupier of any premises is not of the

A.D. 1923. size and materials so prescribed as aforesaid and in any case in which an ashpit or other receptacle for refuse not being an ashbin of the size or material prescribed as aforesaid is in use in connection with any premises the Corporation may either—

- (a) themselves at the cost of the owner or occupier of the premises in connection with which such ashbin was provided or an ashbin or other receptacle not being a prescribed ashbin is in use provide or supply; or
- (b) require such owner or occupier to substitute for such ashbin ashpit or other receptacle

an ashbin of such size and materials as aforesaid.

(3) The Corporation shall give to the owner of any existing ashbin or other receptacle (not being an ashpit) which shall be replaced under the provisions of this section and which but for the prescription of the Corporation would have been a sufficient and suitable receptacle for refuse credit for the value of such existing ashbin or other receptacle.

(4) Except as hereinafter provided the owners or occupiers of all premises in connection with which an ashbin of the size and materials prescribed by the Corporation has been provided shall pay to the Corporation on each first day of April after such provision such sum not exceeding five shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such ashbin. Provided that the sum to be determined as payable on the first day of April one thousand nine hundred and twenty-four shall not exceed four shillings and that the Corporation shall on the expiration of the first second and third complete financial years after the passing of this Act and thereafter on the expiration of each third succeeding year reconsider and if necessary revise and thereafter maintain the payment to be made to them as aforesaid at such a sum (not exceeding five shillings) that so far as is reasonably practicable their receipts and expenses under the provisions of this section shall during the next financial year or the next three financial years as the foregoing provisions may require be equal. Such payments shall be in satisfaction of the obligation of such owners or occupiers in regard to such maintenance repair and renewal.

A.D. 1923.

(5) In any case where any ashbin is substituted on the requirement of the Corporation for an ashpit which is in use at the passing of this Act and but for the prescription of the Corporation would have been a sufficient and suitable receptacle for refuse the Corporation shall except in any case where the medical officer shall have certified that the ashpit is prejudicial to health or otherwise objectionable for sanitary reasons bear and pay such sum towards the expense of filling up or removing the ashpit in manner directed by the Corporation and of providing the ashbin (being not less than one half thereof) as they may consider just and proper according to the circumstances and the remainder of such expenses shall be borne by the owner of the premises in connection with which such ashpit was used.

63.—(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.

Restriction
as to use of
ashbins.

(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.

64.—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act a trade business or manufacture shall be deemed to be established in the borough not only if it is established for the first time but also if without the consent in writing of the Corporation—

Defining es-
tablishment
of a new
business for
purposes of
section 112
of Public
Health Act
1875.

- (a) it is removed from one set of premises to any other premises; or
- (b) it is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or
- (c) any premises on which it is for the time being carried on are enlarged;

but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership of such premises is wholly

A.D. 1923. or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Corporation to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may be given so as to continue in force for such period only as the Corporation may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Discon-
tinuance of
offensive
trade.

65.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act and in the opinion of the Corporation it is inexpedient in the interests of public health that such trade should be carried on in such premises the person by or on whose behalf the trade so complained of is carried on may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade. Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation from which the person complained of may appeal to a court of summary jurisdiction within two months from the service of any such notice as aforesaid.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Corporation as may be agreed upon between the Corporation and such person or as failing agreement

shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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(4) The powers of this section shall be in addition to and not in derogation of any other powers of the Corporation with reference to offensive trades.

66.—(1) If the medical officer or the sanitary inspector has reasonable cause to believe that any house in the borough is infested with vermin he may enter on such house and may inspect and examine the same and any article therein for the purpose of ascertaining whether such house is infested with vermin.

Houses infested with vermin to be cleansed.

(2) Where on the certificate of the medical officer or the sanitary inspector it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and if so required in the notice to remove the wall papers from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable on summary conviction to a fine not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall be recoverable summarily as a civil debt from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying

A.D. 1923. — out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

Cleansing of
verminous
persons.

67.—(1) The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate may cause any such person who does not consent to leave his house to be removed therefrom to and detained in any such temporary shelter or house accommodation where a court of summary jurisdiction on the application of the Corporation and on being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order. The Corporation shall in every case cause the removal and detention to be effected and the conditions of any order satisfied without charge to the person removed.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) If any person at the request of the Corporation or under an order of such court shall cease his employment

in order to comply with such order the Corporation may and in case of an order of the court shall make compensation to him for any loss he may suffer thereby.

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(4) The disinfection or cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

68. For the purposes of the last two preceding sections of this Act the word "house" includes any tent van shed or similar structure used for human habitation or any boat lying in any canal or other water within the borough and used for the like purpose and the word "vermin" includes bugs fleas lice and itchmites and their eggs larvæ and pupæ.

Definition of "house" and "vermin" for certain purposes.

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

Cleansing of children and their clothing.

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

(3) Where after the person or clothing of a child has been cleansed under the provisions of this section the parent or guardian or other person liable to maintain

A.D. 1923. — the child allows him to get into such a condition that it is again necessary to proceed under this section the parent guardian or other person shall on summary conviction be liable to a fine not exceeding ten shillings.

(4) The examination or cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter at his usual or last known residence.

In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of the child whose person or clothing requires to be cleansed.

As to filthy premises.

70.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if such officer is satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

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

PART VI.

HUMAN FOOD.

Rag and bone dealers. **71.**—(1) It shall not be lawful for any collector of or dealer in rags bones bottles or similar articles or

any person carrying on the business of rag and bone dealer or merchant or any person acting on behalf of any such person as aforesaid to sell or distribute within the borough any articles of food or any bladder or balloon inflated or capable of inflation by human breath from any cart barrow or other vehicle used for the collection of rags bones bottles or similar articles or in or from any shop or premises used for or in connection with the business of rag and bone dealers or merchants.

A.D. 1923.

—
not to sell
food.

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

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

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

(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 cellar room 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;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the

A.D. 1923. owner of the ice cream or similar 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 must have his name and address legibly painted or inscribed on such cart barrow or vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) (a) The medical officer and the sanitary inspector and any other officer who is 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 or vendor of or merchant 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 and any cart barrow vehicle or stand in or on which the same are offered for sale 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.

(b) 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.

Byelaws for places used for preparation of food.

73. The Corporation may make byelaws for promoting 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 confirming any byelaws made as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts apply the Minister of Health shall consult the Secretary of State.

Provisions as to retailers of milk.

74. The provisions of section 34 (Power for Privy Council to make orders relative to dairies cowsheds and milkshops) of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the council under any such order for securing the cleanliness of milk vessels used for containing milk for

sale shall apply to all vessels used within the borough for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets. A.D. 1923.

75.—(1) Any officer of the Corporation authorised by the Corporation in that behalf may in addition to any powers exerciseable within the borough take at any place outside the borough and within one mile and a quarter from any part of the boundary thereof or at any railway station outside the borough and within four miles from any part of the boundary thereof samples of any milk consigned to a purchaser in the borough. Such officer shall have all the powers of procuring samples conferred by the Sale of Food and Drugs Acts and those Acts shall apply as if such officer were an officer authorised to procure samples under the Sale of Food and Drugs Act 1875 : Power to sample milk.

Provided that in the exercise of the powers of this section at any railway station such officer shall conform to the reasonable requirements of the railway company owning or using such station so that the working of the traffic thereat may not be obstructed or unduly interfered with.

(2) For the purposes of subsection (3) of section 21 of the Milk and Dairies (Consolidation) Act 1915 this section shall be deemed to be a provision of a local Act dealing with matters dealt with by the said Milk and Dairies (Consolidation) Act 1915.

76. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the borough and any person so blowing or inflating any carcase or part of a carcase or exposing or depositing for sale within the borough a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding five pounds. Prohibition of blowing or inflating carcasses.

77.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have power to enter the premises of any vendor of or merchant or dealer in any article intended for the food of man or any premises where any such article is for the purposes of sale deposited or stored or is in preparation for sale for the purpose of inspecting such premises and the materials or commodities or articles of food therein. Entry on premises used for storage of food.

A.D. 1923.

(2) On any such inspection the said officer of the Corporation shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the vendor merchant or dealer or the agent of such person his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the analyst.

(3) The expression "public analyst" in this section means the analyst appointed by the Corporation for the purposes of the Sale of Food and Drugs Acts 1875 to 1907.

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

78.—(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 VII.

INFECTIOUS AND CONTAGIOUS DISEASES.

Power to close Sunday schools and exclude children from entertainments.

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

or assembly for a specified time such requirement shall be at once complied with. A.D. 1923.

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

80.—(1) No person over the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

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

81. Any parent or other person liable to maintain a child in attendance at a school who is aware of or has reason to suspect the occurrence of any infectious disease in any member of the family and who fails forthwith to notify such occurrence to the head teacher of the school shall be liable to a penalty not exceeding twenty shillings :

Special provisions to prevent spread of infectious disease.

Provided that in any proceeding under this section a certificate purporting to be under the hand of the head teacher of the school under the control of the Corporation at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate.

A.D. 1923.

Extended meaning of "infectious disease" for certain purposes.

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

Removal of persons suffering from pulmonary tuberculosis to hospital.

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

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

84.—(1) If the medical officer certifies in writing that any person is suffering from pulmonary tuberculosis and is in an infectious state and that by reason of the lodging or accommodation with which such person is provided being such that proper precautions to prevent the spread of infection cannot be taken or by reason of such precautions are not being taken serious risk of infection is caused to other persons and that thorough inquiry and consideration have shown the necessity in the public interest for the compulsory isolation of the person the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination by a registered medical practitioner to be nominated by them if they think fit may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the borough or within a convenient distance of the borough and for the retention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

(2) The medical officer shall give the person so suffering or some person being in charge of the person

so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

A.D. 1923.

(3) The Corporation may in their discretion during the period of retention make payments for or towards the effective support and maintenance of the relatives of or those actually dependent upon any person so suffering occasioned by the removal of any such person to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the amount necessary for such effective support and maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependants.

(4) An order under this section may be addressed to such constable or officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

85. Whenever the medical officer shall report in writing to the Corporation or to a committee of the Corporation that there is a prevalence of dangerous infectious disease in the borough or any adjoining or neighbouring borough or district and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the borough

Power medi-
cally to
examine
inmates of
common
lodging-
houses
where

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infectious
disease is
supposed
to exist.

by persons resorting to common lodging-houses the Corporation or such committee as aforesaid may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the borough for such period as the Corporation or such committee as aforesaid having regard to the circumstances of the case shall in the resolution determine (that is to say):—

- (1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation or such committee as aforesaid may exist or has recently existed in any common lodging-house in the borough medically examine any person found in any common lodging-house in the borough with a view to ascertaining whether such person is suffering or has recently suffered from such disease. Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence :
- (2) A copy of every such resolution shall forthwith be sent by the Corporation or such committee as aforesaid to every keeper of a common lodging-house in the borough and to the Minister of Health :
- (3) Unless approved by the Minister of Health any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the said Minister ;
- (4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

Removal of
body of

86. When any person suffering from infectious disease whereof notice shall have been given to the

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

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—
person who has died of infectious disease.

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

For preventing contact with body of person dying of infectious disease.

88.—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from a dangerous infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

Penalty on withholding information from medical officer.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

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

Corporation may supply antidotes against infectious disease.

90. If any persons shall at the request of the Corporation stop his employment for the purpose of

Compensation to per-

A.D. 1923.
sons ceasing
employ-
ment.

preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

PART VIII.

BATHS PARKS AND PUBLIC BUILDINGS.

Use of
swimming
baths in
winter.

91. The Corporation may from any 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 for
exhibitions
and enter-
tainments.

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

Use of baths
for music
and danc-
ing.

93.—(1) Any swimming bath of the Corporation when closed under the provisions of section 5 (Powers to close swimming baths for a limited period) of the Baths and Washhouses Act 1878 and any portion thereof may although a licence is granted in respect thereof for music or dancing be let otherwise than occasionally and money for admission thereto may be taken at the doors.

(2) The proviso (b) to section 2 of the Baths and Washhouses Act 1899 shall cease to apply to any bath of the Corporation.

Byelaws as
to family
and mixed
bathing.

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

(1) The power of the Corporation to make byelaws for the management use and regulation of the public baths shall extend to enable them to

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permit any swimming bath to be used for the purpose of family bathing (that is to say by any male and female members of families bathing together at the same time) or of mixed bathing (that is to say by males and females bathing together at the same time) during such hours and subject to such regulations as shall be prescribed in such byelaws Provided that by such byelaws provision shall be made for ensuring that separate dressing accommodation shall be provided and used by males above eight years old and females respectively and proper costumes worn :

- (2) The provisions of sections 10 and 11 of the Baths and Washhouses Act 1878 shall apply in reference to such byelaws as if the same were made under that Act and the Corporation may accordingly exercise all the powers conferred upon them by the said sections in reference to the enforcement of such byelaws.

95. The Corporation may from time to time let for terms 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 :

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

Provided that nothing in this section shall empower the Corporation so to let at one and the same time more than twenty-five 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 :

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.

96. When any portion of a public park or pleasure or recreation ground is set apart by the Corporation for

Charge for
use of parts

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of recreation
grounds &c.
set apart for
certain pur-
poses.Power to
charge for
admission.Provision of
concerts
entertain-
ments &c.

any purpose under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and specially laid out and maintained for any such purpose the Corporation may charge reasonable sums for the use thereof for that purpose.

97. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of any buildings or enclosures in any of their parks recreation grounds or lands used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms reading rooms and conveniences in connection therewith as they may deem fit.

98.—(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments athletic meetings exhibitions and amusements and for the sale of refreshments in any public buildings halls or rooms belonging to them or in any park or recreation ground for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Corporation may let any such building belonging to them or any park or recreation ground or any part or parts thereof respectively for the purpose of such concerts entertainments athletic meetings exhibitions or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit Provided that any letting other than for a period of less than one month under this section of any building for the purpose of an entertainment shall be by tender and the Corporation shall secure the best rent reasonably obtainable.

(2) The Corporation may in any park or recreation ground vested in them enclose an area for the purpose of any concert entertainment or performance given in pursuance of this section and may provide and sell or authorise any person or persons to provide and sell programmes thereof and may make byelaws for securing good and orderly conduct thereat.

(3) The Corporation may pay or contribute towards the cost of providing and maintaining in the borough and in newspapers published in the borough advertisements of any concert or entertainment given in pursuance of this section.

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(4) All expenses incurred by the Corporation under the provisions of this section shall be paid out of the borough fund and borough rate and all moneys received by them thereunder shall be carried to the credit of the borough fund. Provided always that the net amount of any payments or contributions made by the Corporation under the provisions of this section after deducting any moneys received by them thereunder shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on property in the borough assessable in that year to the borough rate.

99. The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

Power to
appoint
officers.

PART IX.

MARKETS AND SLAUGHTER-HOUSES.

100. If any tenant stallholder or occupier shall not after any market stallage rent or toll has become due and payable to the Corporation in respect of any stall standing or other convenience or place in any market market-house market place or fair belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stall standing or other convenience or place and re-let the same without prejudice to any other remedy for the recovery of such stallage rent or toll.

Power to
take posses-
sion of stalls
for non-
payment of
rent.

101.—(1) The Corporation may take on lease or provide and maintain and use ice-making machinery refrigerators and cold air stores together with all necessary

Provision of
cold air
stores.

A.D. 1923.

buildings plant machinery appliances works and conveniences in connection therewith and may from time to time let the whole or part thereof or permit the use thereof for such periods and subject to such terms and conditions as they may think fit.

(2) The purposes of this section shall be deemed to be purposes of the market undertaking of the Corporation.

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

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

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

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

(2) The owner lessee or occupier of any slaughter-house may apply to the Corporation for their approval to such slaughter-house being continued to be used for the purpose of slaughtering cattle and on giving such approval the Corporation may attach thereto such terms or conditions as may be reasonable in the circumstances. Before deciding to withhold such approval the Corporation shall consider representations from and if desired grant an interview to the representatives of the National Federation of Meat Traders' Associations (Incorporated).

(3) The owner lessee or occupier of any slaughter-house approved as aforesaid may subject in the case of any lessee or occupier to the terms of the lease or agreement under which he holds his slaughter-house allow the same to be used by any other person for the slaughtering of cattle therein.

(4) At any time after the expiration of three years from the passing of this Act and after the Corporation have provided or approved adequate slaughter-houses in convenient positions (to the satisfaction of the Ministry of Health) and after the expiration of six months from the date of publication by the Corporation in a local newspaper circulating in the borough of notice to that effect no person shall slaughter in the way of trade any

cattle within the borough except in slaughter-houses provided or approved by the Corporation but this restriction shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle belonging to him and not slaughtered for the purpose of trade or by a farmer on premises occupied by him for agricultural purposes only and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds. A.D. 1923.

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

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

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

PART X.

HACKNEY CARRIAGES AND TRAFFIC.

103. 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

Vehicles at
railway
stations.

A.D. 1923. applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises within the borough as if such railway station or railway premises were a stand for hackney carriages or a street:

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

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage in any railway station or railway premises or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

Inspection
and certi-
fication of
taximeters.

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

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

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

Power to
grant occa-
sional
licences.

105. An occasional licence for a 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.

106. The power to make byelaws conferred upon the Corporation by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say):—

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Byelaws as to hackney carriages.

- (a) For the inspection of every hackney carriage at all reasonable times when required by the inspector of hackney carriages appointed by the Corporation:
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire:
- (c) For the fixing of fares to be charged for the use of any motor hackney carriage by time and distance and by time and distance combined.

107.—(1) When licensing an omnibus to ply for hire within the borough the Corporation may subject as hereinafter provided attach to any such licence conditions with respect to the routes upon which such omnibus may or shall not ply for hire. Provided that omnibuses belonging to the same proprietor may be transferred by him from one route to another so long as he does not at one and the same time allow a greater number of his vehicles to ply for hire on any one route than the number of licences which he holds for that route.

Power to regulate omnibus routes.

(2) The proprietor of any omnibus deeming himself aggrieved by any condition which the Corporation may in pursuance of subsection (1) of this section have attached to any licence issued to him may appeal to the Minister of Transport and the Minister shall have power to make such order thereon as he shall think fit.

(3) (a) For the purposes of this section "the company" means the Potteries Electric Traction Company Limited or the North Staffordshire Tramways Company Limited as the case may require and any "tramway route" means any route in the borough along which any tramway or light railway service is for the time being provided by the company.

(b) In the exercise of the powers conferred by this section the Corporation shall have due regard to the

A.D. 1923. — claims of the company to run omnibuses on any tramway route.

(c) In the event of the company objecting to the decision of the Corporation on any application for a licence to run omnibuses on any tramway route the company shall have a right of appeal to the Minister of Transport within a period of fourteen days after publication as hereinafter provided and after hearing all parties interested the Minister shall have power to make such order therein as he shall think fit and the Corporation shall not grant the licence or licences until the determination of any such appeal.

(d) Any such decision of the Corporation shall be posted for inspection in the town hall at Stoke-upon-Trent.

(4) Every order made by the Minister of Transport under this section shall be final and binding on the parties affected thereby and shall on the application of the Minister be enforceable by writ of mandamus.

(5) The proprietor of any omnibus who permits the same to ply for hire contrary to any condition endorsed on his licence therefor under this section shall be deemed to have committed an offence under section 45 of the Town Police Clauses Act 1847.

Power to
impose test
on motor
drivers.

108. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit.

No person
to have
care of more
than one
cart.

109.—(1) Notwithstanding anything contained in the Highway Act 1835 or in the Town Police Clauses Act 1847 no person shall act as the driver of or have the care of more than one cart waggon or carriage each drawn by an animal or animals in any street of the borough and no person shall fasten or allow to be fastened to the rear of any such cart waggon or carriage any other cart waggon or carriage drawn by an animal or any animals drawing a cart waggon or carriage.

(2) Any person acting in contravention of this section shall be liable to a penalty not exceeding twenty shillings.

PART XI.

A.D. 1923.

RATING.

110.—(1) This Part of this Act shall come into operation on the first day of April one thousand nine hundred and twenty-four which date is in this Part of this Act referred to as “the commencement of this Part of this Act.”

Commence-
ment of this
Part of Act
and defini-
tions.

(2) In this Part of this Act—

“The Hanley district” “the Burslem district” “the Stoke district” and “the Longton district” mean the areas which were respectively comprised within the borough of Hanley the borough of Burslem the borough of Stoke-upon-Trent and the borough of Longton immediately before the commencement of the Order of 1908;

“The Tunstall district” means the area which was comprised within the urban district of Tunstall immediately before the commencement of the Order of 1908;

“The Fenton district” means that portion of the urban district of Fenton which was included in the borough by the Order of 1908;

“The parish” means the parish of Stoke-on-Trent as constituted by the Order of 1921.

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

All expenses
of Corpora-
tion to be
paid out of
borough
fund and
rate.

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

112. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate and the provisions of section 145 of the Municipal Corporations Act 1882 shall (subject to the provisions of this Part of this Act) apply to the said contribution.

Poor rate to be called consolidated rate.

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

Application of Poor Rate Assessment and Collection Act 1869.

114. The following provisions shall have effect in the application of the Poor Rate Assessment and Collection Act 1869 (in this section hereinafter called "the said Act") within the borough and the parish:—

- (1) The Corporation shall be substituted for and have all the powers of the vestry in and in relation to the provisions of the said Act:
- (2) The limit of eight pounds prescribed by section 3 of the Poor Rate Assessment and Collection Act 1869 shall notwithstanding anything contained in the Increase of Rent and Mortgage Interest (Restriction) Act 1920 be deemed not to have been altered and shall not be altered by the last-mentioned Act in respect of any

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rateable hereditament in the parish until the first day of April one thousand nine hundred and twenty-five but nothing in this section contained shall prejudice any action suit prosecution or other proceeding commenced before the seventeenth day of November one thousand nine hundred and twenty-two :

- (3) The commission which may be allowed under section 3 of the said Act may be of such amount not exceeding twenty per centum as the Corporation may from time to time determine :
- (4) The abatement and deduction and the further abatement and deduction which may be allowed under section 4 of the said Act of fifteen per centum and not exceeding fifteen per centum respectively shall be of ten per centum and of such amount not being less than five per centum nor more than ten per centum as the Corporation may from time to time determine :
- (5) The amount of such commission or abatement and deduction as aforesaid which may be from time to time allowed as aforesaid may vary according to the rateable value of the hereditament to which for the time being it shall be determined by the Corporation to apply provided that such amount shall be the same for the time being in the case of all hereditaments for the time being of a like rateable value :
- (6) Notwithstanding anything in this Part of this Act contained the provisions of this section shall come into operation on the passing of this Act but so that any resolution thereafter passed by the Corporation under the said provisions and any agreement with or notice by any owner thereafter made or given under either of the said sections 3 and 4 of the said Act shall not take effect until after the commencement of this Part of this Act and any agreement with or notice given by any owner under either of the said sections in force at the passing of this Act shall be and the same are hereby determined on and from the commencement of this Part of this Act.

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Differential
rating in
different
districts.

115.—(1) During the remainder of the period of twenty years from the commencement of the Order of 1908 the consolidated rate shall be levied on a separate basis in the Hanley district the Burslem district the Stoke district the Longton district the Tunstall district and the Fenton district and the rates so levied in each year in those districts respectively shall subject as hereinafter provided be fixed at such an amount in the pound as will secure that the amount thereof in the pound (after excluding the amount required for poor law purposes and for the purpose of the payment of interest on and repayment of borrowed moneys provided for by Article XXVIII. (As to loan charges) of the Order of 1908) shall bear towards each other the following proportions (that is to say)—

The Hanley district	-	-	-	100
The Burslem district	-	-	-	94
The Stoke district	-	-	-	87
The Longton district	-	-	-	86
The Tunstall district	-	-	-	86
The Fenton district	-	-	-	79

and the provisions for differential rating contained in Article XXXIII. (Differential rating) of the Order of 1908 shall cease to have effect.

As to cer-
tain loan
charges.

(2) Notwithstanding anything contained in this Act all such sums payable by way of interest or on repayment of borrowed moneys as are specified in Article XXVIII. (As to loan charges) of the Order of 1908 shall continue to be payable out of the moneys raised by means of special rates levied as prescribed by that article Such special rates shall be collected with and form part of the consolidated rate.

1921 diffe-
rential
rating.

(3) Article XLII. (Differential rating) of and Schedule D to the Order of 1921 shall be read and have effect as if the consolidated rate were mentioned therein instead of the general district rate.

(4) So long as any of the provisions of this section or of any of the enactments referred to therein are in force in any district within the borough that district shall be deemed to be a separate rating district for the making and levying of the consolidated rate.

116. The provisions contained in this section shall have effect with respect to the consolidated rate to be hereafter made and levied by the overseers in each of the separate rating districts in the borough (that is to say):—

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Differential
rating for
certain
classes of
heredita-
ments.

- (1) 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 in respect of such hereditaments a rate calculated on the basis of seven-tenths only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section:
- (2) 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 shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of seven-tenths only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section:
- (3) 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 subsection (2) of the section of the Stoke-on-Trent Corporation Act 1923 of which the marginal note is ‘Differential rating for certain classes of hereditaments’ in respect of any rate which is assessed on him as owner of that

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tithe rentcharge 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 estate duty grant” :

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

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

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

(b) The operation of the Ecclesiastical Tithe Rentcharges (Rates) Acts 1920 and 1922 ; or

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

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

Amendment
of error in
consolidated
rate.

117. 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. A.D. 1923.

118.—(1) If any occupier referred to in subsection (1) or subsection (2) of the section of this Act of which the marginal note is “Differential rating for certain classes of hereditaments” 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 court of quarter sessions for the borough holden not less than twenty-one days after the demand of the rate 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. Occupier may appeal.

(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.

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

120. 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 consolidated rate by instalments.

121. The Corporation may from time to time if they think fit direct the overseers to make an allowance by way of discount not exceeding five per centum on the amount due in respect of any consolidated rate or any instalment thereof from every person who pays the same within such time after demand of the rate or after the date when any instalment falls due as the case may be as the Corporation shall prescribe and in any such case the overseers shall make such allowance accordingly: Discount on consolidated rate.

A.D. 1923.

Provided that any such allowance shall in every case be of equal amount under like circumstances. Provided also that notice of this enactment shall be endorsed on every demand note for rates.

As to section 133 of Lands Clauses Consolidation Act 1845.

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

As to recovery of consolidated rate.

123. 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.

Overseers may require returns.

124.—(1) The overseers 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 Sixth Schedule to this Act or to the like effect and containing the particulars therein mentioned or referred to or such of them as the overseers may require :

Provided that (except for purposes connected with the preparation of and preliminary to a general revaluation 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 Act within fourteen days after the 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.
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(3) The provisions of section 13 of the Union Assessment Committee Act 1862 shall extend and apply to any returns obtained by the overseers under the provisions of this section.

125.—(1) The Corporation may appoint and remove such officers as they deem necessary to assist the overseers of the parish in discharge of their duties and the salaries and expenses of such officers shall be determined by the Corporation and shall be paid out of the poor rate and other local rates and funds properly chargeable with salaries and expenses in such proportions as the Corporation may determine. Assistants to overseers.

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

126. 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.

PART XII.

FINANCE.

127.—(1) The Corporation may borrow at interest for paying the costs charges and expenses of this Act such sum as may be requisite and they shall repay the money so borrowed within five years from the passing of this Act. Power to borrow.

A.D. 1923.

(2) The Corporation may also with the consent of the Minister of Health borrow such moneys as may be necessary for any purpose of this Act (other than the purposes of Part II. Electricity) and for providing a working balance for any of their undertakings (other than the electricity undertaking) and they may with the consent of the Electricity Commissioners as respects the said Part II. borrow such money as may be necessary for any of the purposes of that Part and they shall repay the money so borrowed within such period as may be prescribed by the Minister of Health or the Electricity Commissioners as the case may be and that period shall be the prescribed period for the purposes of the enactments incorporated herewith.

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Corporation may mortgage or charge the borough fund and borough rate.

The provisions of this subsection 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."

Application
of sections
of Act of
1922 as to
borrowing.

128. The following sections of the Act of 1922 shall (with any necessary modifications) extend and apply mutatis mutandis to the moneys borrowed under and to the purposes of this Act namely:—

Section 4 Interpretation.

Section 55 Section 234 of Public Health Act not to apply.

Section 56 Mode of raising money.

Section 57 Provisions of Public Health Act as to mortgages to apply.

Section 58 Method of payment off of moneys borrowed.

Section 59 Sinking fund.

Section 60 Protection of lender from inquiry.

Section 61 Corporation not to regard trusts.

Section 62 Appointment of receiver.

Section 63 Power to re-borrow.

Section 65 Return to Minister of Health as to repayment of debt.

Section 66 Application of money borrowed.

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

A.D. 1923.

Expenses of
execution of
Act.

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

Power to
use one form
of mortgage
for all pur-
poses.

(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 Seventh 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 and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

(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.

A.D. 1923.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section 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 fine not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his rights and interests 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 said Seventh Schedule or to the like effect.

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

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his rights 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 fine not exceeding twenty pounds.

A.D. 1923.

131. 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 non
sui juris.

132.—(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 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:—

Power to
use sinking
fund in-
stead of
borrowing.

(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 the 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

A.D. 1923.

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.

(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 the Minister shall require.

Evidence of transmission of securities.

133. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Scheme for fixing equated periods.

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

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Minister of Health who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and

effect and such scheme shall be deemed to be within the powers of this Act. A.D. 1923.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister of Health may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister of Health separate consolidations may be made of all or any of the loans included under such general headings.

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

PART XIII.

MISCELLANEOUS PROVISIONS.

135. The provision of section 91 of the Public Health Act 1875 shall extend to and be applicable in respect of the emission from any chimney (other than the chimney of any existing oven hovel or kiln or of any steam road wagon or traction engine or other mechanically propelled road vehicle) of any grit or gritty particles as if such grit or gritty particles were smoke arising from furnaces except that the provisions of this section shall not apply to any locomotive steam engine used on the railway of any railway company incorporated by Act of Parliament. Preventing nuisance caused by emission of grit from chimneys.

136. The Corporation may convert any clinkers or other refuse or surplus material or product arising in connection with their refuse destructor or destructors into slabs of artificial stone bricks concrete mortar material for filtration or percolation purposes at sewage disposal works poultry food artificial manure and other materials Power to convert destructor refuse into slabs and other materials and to

A.D. 1923.
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use and sell
such mate-
rials.

and substances and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such materials and substances so produced may be utilised by the Corporation for any purpose connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from the sales thereof to the credit of the borough fund.

Power to
grant gra-
tuities in
certain
cases.

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

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

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

General pro-
visions as to
byelaws.

138. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act.

139. Any person who shall commit any breach of any term or condition lawfully attached by the Corporation to the granting by them of any consent under this or any other Act in force within the borough for the execution of any work or the doing of any act or thing shall be liable to the same penalty and other consequences as if he had executed the work or done the act or thing without the required consent.

A.D. 1923.

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As to breach of conditions of consent of Corporation.

140. 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 any committee of the Corporation 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 Corporation or to prove any resolution or order of the Corporation or any resolution order or report of any committee of the Corporation 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.

Evidence of appointments authority &c.

141. 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.

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

Damages and charges to be settled by court.

143. 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

Recovery of demands.

A.D. 1923. — in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of penalties &c.

144. 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.

Several sums in one summons.

145. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Compensation how to be determined.

146. 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.

Consents of Corporation to be in writing.

147. All consents given by the Corporation under the provisions of this Act or of any local Act 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.

In executing works for owner Corporation liable for negligence only.

148. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or

in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly. A.D. 1923.

149. 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 III. (Streets and buildings) Part IV. (Sewers drains and watercourses) Part V. (Sanitary) Part VI. (Human food) and Part VII. (Infectious and contagious diseases) 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 works. Penalty on occupier refusing execution of Act.

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

151.—(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. Authentication and service of notices &c.

A.D. 1923.

(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.

Application
of section
265 of Pub-
lic Health
Act 1875.

152. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall with any necessary modifications extend and apply to the purposes of this Act as if the same were re-enacted therein.

As to
appeals.

153. 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 III. (Streets and buildings) Part IV. (Sewers drains and watercourses) Part V. (Sanitary) Part VI. (Human food) Part VII. (Infectious and contagious diseases) or Part IX. (Markets and slaughter-houses) of this Act or by any conviction or order 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.

Inquiries by
Minister of
Health.

154.—(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.

(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. A.D. 1923.
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155. The Corporation when they are required by any provisions of this Act or any general or local Act to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent. Compensation may be in land.

156. 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.

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

158. 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 &c. not disqualified.

159. Nothing in this Act shall prejudice or affect the rights of the Chatterley-Whitfield Collieries Limited under or in pursuance of an agreement dated the tenth day of September one thousand eight hundred and ninety-four and made between the mayor aldermen and burgesses Saving for Chatterley Whitfield Collieries Limited.

A.D. 1923. — of the borough of Burslem of the one part and the Chatterley-Whitfield Collieries Limited of the other part.

Saving the right of His Majesty in right of His Duchy of Lancaster.

160. Nothing contained in this Act or in any Act or part of an Act incorporated or to be construed as one with this Act shall extend or operate to take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His Duchy of Lancaster.

Crown rights.

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

Costs of Act.

162. 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.

FIRST SCHEDULE.
 (Referred to in section 4.)

A.D. 1923.

ACTS AND ORDERS RELATING TO THE EXISTING ELECTRICITY
 UNDERTAKING OF THE CORPORATION.

Regnal Year and Chapter.	Short Title.	Order thereby confirmed.	Extent of Repeal.
61 & 62 Vict. c. ccvii.	Electric Lighting Orders Confirmation (No. 8) Act 1898.	Burslem Electric Lighting Order 1898.	The whole of each Order and so much of each Act as relates thereto.
5 Edw. 7. c. cxiii.	Electric Lighting Orders Confirmation (No. 5) Act 1905.	Burslem Electric Lighting (Extension to Tunstall) Order 1905.	
3 & 4 Geo. 5. c. cxlix.	Electric Lighting Orders Confirmation (No. 1) Act 1913.	Stoke-on-Trent Electric Lighting (Extension) Order 1913.	
54 Vict. c. xlix.	Electric Lighting Orders Confirmation (No. 1) Act 1891.	Hanley Electric Lighting Order 1891.	The whole Order (except Article 5 thereof) and so much of the Act (except section 7 thereof) as relates thereto.
62 & 63 Vict. c. cxxxvii.	Electric Lighting Orders Confirmation (No. 12) Act 1899.	Longton Electric Supply Order 1899.	
61 & 62 Vict. c. ccvii.	Electric Lighting Orders Confirmation (No. 8) Act 1898.	Stoke-upon-Trent Electric Lighting Order 1898.	The whole of each Order and so much of each Act as relates thereto.
7 Edw. 7. c. cxiv.	Electric Lighting Orders Confirmation (No. 3) Act 1907.	Stoke-upon-Trent Electric Lighting (Extension) Order 1907.	
18th February 1919.	—	Order made by the Board of Trade under section 4 of the Electric Lighting Act 1909 authorising the Corporation to supply electricity in bulk to the Newcastle-under-Lyme Corporation.	No part of the Order.

A.D. 1923.

Regnal Year and Chapter.	Short Title.	Order thereby confirmed.	Extent of Repeal.
11 & 12 Geo. 5. c. ciii.	Ministry of Health Provisional Order Confirmation (Stoke-on-Trent Extension) Act 1921.	Stoke - on - Trent (Extension) Order 1921.	So much of Article 20 as relates to the electricity undertaking of the Corporation and Article 22 of the Order and so much of the Act as relates thereto.

SECOND SCHEDULE.

(Referred to in section 4.)

PROVISIONS OF ACTS OF PARLIAMENT AND ORDERS EXCEPTED FROM REPEAL.

Electric Lighting Orders Confirmation (No. 1) Act 1913 and the Stoke-on-Trent Electric Lighting (Extension) Order 1913 confirmed thereby.

* * * * *

Section 7 of the Act.

For protection of
Staffordshire
County
Council.

(1) Nothing in the Stoke-on-Trent Electric Lighting (Extension) Order 1913 confirmed by this Act shall in any way limit or affect the powers of the Staffordshire County Council (in this section referred to as "the county council") to rebuild alter widen or repair the structure of any bridge upon which any work by the Order authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the commencement of the Order.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any portion of the undertaking by the Order authorised they shall prior to the commencement of such works give the undertakers one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the undertakers of electrical energy it is necessary to temporarily remove the mains and other electrical appliances belonging to the undertakers from such bridge then the undertakers shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or

inconvenience to the public or unreasonably interfere with the works to be carried out by the county council. A.D. 1923.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the undertakers shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute arises between the county council and the undertakers with regard to this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

* * * * *

Article 5 of the Order.

The urban district council of Wolstanton (United) may upon giving to the undertakers six months' notice in writing at any time within six months before the expiration of ten years from the date of the passing of the Act confirming this Order or at any time after that date require the undertakers to sell to them so much of their undertaking as is within the added area upon the terms provided in section 2 of the Electric Lighting Act 1888 and the undertakers shall sell to them the same accordingly except that the undertakers shall not be entitled to claim or be paid any sum in respect of loss occasioned by severance of the part purchased from the remaining part of their said undertaking.

Purchase of undertaking within added area by local authority.

BOARD OF TRADE ORDER 1919.

In the matter of an application by the mayor aldermen and burgesses of the county borough of Stoke-on-Trent under subsection (3) of section 4 of the Electric Lighting Act 1909 for permission to supply electricity in bulk to the mayor aldermen and burgesses of the borough of Newcastle-under-Lyme.

WHEREAS by a Provisional Order intituled the Stoke-upon-Trent Electric Lighting Order 1898 confirmed by the Electric Lighting Orders Confirmation (No. 8) Act 1898 as extended by the Stoke-on-Trent Electric Lighting (Extension) Order 1913 confirmed by the Electric Lighting Orders Confirmation (No. 1) Act 1913 the mayor aldermen and burgesses of the county borough of Stoke-on-Trent (hereinafter called "the Corporation of Stoke-on-Trent") were authorised to supply electricity within an area which adjoins the area of supply under the Order next hereinafter mentioned :

And whereas by a Provisional Order intituled the Newcastle-under-Lyme Electric Supply Order 1899 confirmed by the Electric Lighting Orders Confirmation (No. 12) Act 1899 the mayor

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aldermen and burgesses of the borough of Newcastle-under-Lyme (hereinafter called "the corporation of Newcastle-under-Lyme") were authorised to supply electricity within the municipal borough of Newcastle-under-Lyme as constituted at the commencement of the said Order and the corporation of Newcastle-under-Lyme are the undertakers for the purposes of the said Order :

And whereas by subsection (3) of section 4 of the Electric Lighting Act 1909 it is provided that the Board of Trade may if they think fit by order permit any undertakers to supply electricity in bulk to any other undertakers upon such terms and subject to such conditions as may be specified in the order if the supply can be given without breaking up any streets except such as the undertakers giving or the undertakers receiving the supply are authorised to break up and it is further provided by the said subsection that the Board of Trade shall not in any case make such an order until notice of the intention to make the order has been given by advertisement or otherwise as the Board of Trade may direct and an opportunity has been given to any person who appears to the Board to be affected to state any objections he may have thereto :

And whereas the corporation of Newcastle-under-Lyme are desirous of receiving a supply of electricity in bulk from the corporation of Stoke-on-Trent and the corporation of Stoke-on-Trent have applied to the Board of Trade for an order permitting them to give such supply :

And whereas the said supply can be given without breaking up any streets except such as the corporation of Stoke-on-Trent or the corporation of Newcastle-under-Lyme are authorised to break up and the other conditions prescribed by the said subsection have been duly complied with :

Now therefore the Board of Trade by virtue of the power in that behalf conferred upon them by the said recited subsection do make this order permitting the corporation of Stoke-on-Trent to give a supply of electricity in bulk to the corporation of Newcastle-under-Lyme on such terms as may be agreed upon between them from time to time Provided that if at any time after the expiration of twelve months from the date of this order it is proved to the satisfaction of the Board of Trade that no supply is being given thereunder the Board of Trade may revoke this order.

Given under the seal of the Board of Trade this 18th day of February 1919.

L.S.

(Signed) A. H. STANLEY President.

THIRD SCHEDULE.

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LANDS FOR GENERATING PURPOSES.

(Referred to in section 8.)

All that piece or parcel of land situate at Hanley and bounded on or towards the north-east east and south-east by the Cauldon branch of the Trent and Mersey Canal on or towards the south-west in part by Bethesda Road and in other part by Park Road and on or towards the north-west by the Mousecroft Brick Works together with the buildings boiler-house generator-house cooling-towers offices and other erections and fixtures thereon.

All that piece or parcel of land containing one thousand two hundred and twenty-eight square yards or thereabouts situate at Stoke-upon-Trent and bounded on or towards the north-east the north-west and the south-west by other land belonging to the corporation and on or towards the south-east by Bagnall Street to which the said piece of land has a frontage of 70 feet or thereabouts together with the buildings boiler-house generator-house offices and other erections and fixtures thereon.

All that piece or parcel of land containing two thousand two hundred and forty-eight square yards or thereabouts situate at Burslem bounded on or towards the south-east by Federation Road on or towards the north-east by the mineral railway belonging or reputed to belong to the Chatterley-Whitfield Collieries Limited on or towards the south-west by other land belonging to the Corporation on or towards the north-west by vacant land belonging or reputed to belong to the Chatterley-Whitfield Collieries Limited together with the buildings boiler-house generator-house offices and other erections and fixtures thereon.

FOURTH SCHEDULE.

(Referred to in section 11.)

Railways and tramways which may be broken up by the Corporation in pursuance of the special powers granted by this Act.

Railways :

The railways of the North Staffordshire Railway Company crossing Market Place Longton and Granville Street Fenton.

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The railway of the Chatterley-Whitfield Collieries Limited crossing Scotia Road Burslem.

So much of the light railways belonging to or worked by the Potteries Electric Traction Company Limited as are laid along any street.

Tramways :

The tramways of the North Staffordshire Tramways Company and the tramways owned or worked by the Potteries Electric Traction Company Limited.

FIFTH SCHEDULE.

(Referred to in section 13.)

MAXIMUM PRICES.

In this schedule the expression "unit" means the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

Where the Corporation charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter :—

- (a) In respect of the quarters ending thirty-first of March and thirty-first of December For any amount up to twenty-five units sixteen shillings and eightpence and for each unit over twenty-five units eightpence :
- (b) In respect of the quarters ending thirtieth of June and thirtieth of September For any amount up to fifteen units ten shillings and for each unit over fifteen units eightpence.

SECTION 2.

Where the Corporation charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Corporation under the regulations of the Electricity Commissioners.

SIXTH SCHEDULE.

A.D. 1923.

(Referred to in section 124.)

RETURN OF RENT OR ANNUAL VALUE AND OTHER PARTICULARS
 TO BE RENDERED UNDER THE STOKE-ON-TRENT
 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 - - - - or (b) Partly as a dwelling-house and partly for trade or business purposes - - - or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (d) Nature of the business (if any)</p>	<p>(a) (b) (c) (d)</p>

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<p>5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - - -</p>	
<p>6. Amount of rent - - - - - or If ground rent only is paid state its amount - - - - -</p>	<p>£ per £ per</p>
<p>7. Whether the property is held under lease or agreement for a period of years - - - - - or By the year quarter month or week - - - - -</p>	
<p>8. (a) Date of commencement of term of lease or agreement - - - - - (b) Term of years for which granted (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - - (If none insert "None.")</p>	<p>(a) (b) (c) Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated i.e. the amount at which the property is worth to be let by the year the owner keeping it in repair - - - - -</p>	<p>} Annual Value £</p>
<p>10. (a) Amount of land tax (if any) - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 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>11. 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.

SEVENTH SCHEDULE.

(Referred to in section 130.)

FORM OF MORTGAGE.

BOROUGH OF STOKE-ON-TRENT.

By virtue of the Stoke-on-Trent Corporation Act 1923 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Stoke-on-Trent (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") to be 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

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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 at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the town hall of Stoke-on-Trent (on the _____ day of _____ one thousand nine hundred and _____) [at the expiration of _____ calendar months after demand thereof by the mortgagee or notice by the Corporation of intention to pay off the same]:

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 hand of the mayor or 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 corporate seal to be hereunto affixed this _____ day of _____ one thousand nine 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 _____ one thousand nine hundred and _____ [and the interest to be paid thereon on and from the _____ day of _____ one thousand nine hundred and _____ is hereby declared to be at the rate of _____ per centum per annum].

Dated this _____ day of _____ one thousand nine hundred and _____

FORM OF TRANSFER OF MORTGAGE.

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I (the within-named) _____ of _____ in consideration of the sum of _____ pounds paid to me by _____ of _____ (hereinafter referred to as "the transferee") do hereby transfer to the transferee (his) executors administrators and assigns (the within-written security) (the mortgage number _____ of the revenues of the mayor aldermen and burgesses of the borough of Stoke-on-Trent 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 _____ one thousand nine hundred and _____

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