

**CHAPTER lxxi.**

An Act to confer upon the corporation of A.D. 1923.
Birkenhead further powers with respect to their
water tramway gas and electricity undertakings
to consolidate the local rates leviable in the
borough to make better provision for the health
local government and finance of the borough
and for other purposes. [31st July 1923.]

WHEREAS the borough of Birkenhead (in this Act referred to as "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 mayor aldermen and burgesses of the borough (in this Act referred to as "the Corporation") acting by the council are the urban sanitary authority for the borough :

And whereas the Corporation are the owners of waterworks and supply water within the borough and other places their principal source of supply being a certain reservoir in the county of Denbigh constructed under the powers of the Birkenhead Corporation Water Act 1907 :

And whereas it is expedient that the Corporation should be empowered to make a deviation of a portion of the aqueduct authorised by that Act for conveying the water from the reservoirs thereby authorised to their limits of supply and that the rates for the supply of water leviable by the Corporation should be increased and that further provision should be made in regard to their water undertaking as by this Act provided :

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And whereas the Corporation are the owners of a system of tramways and it is expedient that they should be authorised to construct an additional tramway in the borough and that further powers in connection with their tramway undertaking should be conferred upon them :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their gas and electricity undertakings :

And whereas it is expedient that further and better provision should be made with reference to infectious disease and sanitary matters and otherwise for the local government health improvement and finance 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 general district fund and general district rate or out of the interest rate of the borough subject so far as the general district rate is made for the purposes of the Public Health Acts to provisions for differential rating in certain cases and it is expedient that all the said expenses of the Corporation should be defrayed out of the borough fund and borough rate :

And whereas the township of Birkenhead is co-terminous with the borough and it is expedient that the contributions of such township to the borough rate should be levied as part and be paid out of the poor rate for the said township and that in relation thereto the provisions contained in this Act with respect to differential rating in certain cases should be enacted :

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

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For the purchase of lands and easements for and for the construction of the waterworks by this Act authorised	- 14,000
For the construction and equipment of the tramway by this Act authorised	- 20,300

And whereas the several works included in such estimates respectively are permanent works and it is

expedient that the costs thereof should be spread over a term of years : A.D. 1923.

And whereas owing to the late war and other circumstances beyond the control of and which could not have been reasonably avoided by the Corporation the cost of construction of the waterworks authorised by the said Act of 1907 largely exceeded the amount estimated therefor and a considerable part of the moneys expended thereon was borrowed at a rate of interest higher than was originally anticipated :

And whereas a portion of the said moneys amounting to upwards of one million three hundred thousand pounds was borrowed at an abnormally high rate of interest but for short periods expiring in 1934 and 1936 with a view to the replacement of such moneys by moneys borrowed at a lower rate of interest :

And whereas the annual charges for sinking fund and interest in respect of the moneys borrowed for the purposes of the said waterworks cannot be wholly met out of the revenue of the water undertaking of the Corporation unless the rates for the supply of water are raised to an extent which would press unduly upon existing consumers and would retard the development of the borough :

And whereas it is expedient in order to reduce such annual charges that a portion of the loan charges in respect of the said moneys borrowed at a high rate of interest as aforesaid should be capitalised and the payment thereof spread over a term of years as by this Act provided :

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

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

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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 Birkenhead Corporation Act 1923.

Division of
Act into
Parts.

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

- Part I.—Preliminary.
- Part II.—Water.
- Part III.—Tramways and omnibuses.
- Part IV.—Gas.
- Part V.—Electricity.
- Part VI.—Human food.
- Part VII.—Sanitary provisions.
- Part VIII.—Infectious disease.
- Part IX.—Police regulations.
- Part X.—Consolidation of rates.
- Part XI.—Finance.
- Part XII.—Miscellaneous.

Incorporation
of Acts.

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

- (1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) :
- (2) The Waterworks Clauses Acts 1847 and 1863 except :—
 - (a) The words “ with the consent in writing of the owner or reputed owner of any such

house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847; A.D. 1923.
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(b) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

- (3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof:
- (4) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870.

4. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Public Health Acts meanings are assigned shall have in relation to the relative subject-matter the same respective meanings And the expressions— Interpreta-
tion.

“The borough” means the borough of Birkenhead;

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

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

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

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;

“The Act of 1881” means the Birkenhead Corporation Act 1881;

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- “ The Gas and Water Act 1881 ” means the Birkenhead Corporation (Gas and Water) Act 1881 ;
- “ The Act of 1897 ” means the Birkenhead Corporation Act 1897 ;
- “ The Act of 1899 ” means the Birkenhead Corporation Act 1899 ;
- “ The Act of 1907 ” means the Birkenhead Corporation Water Act 1907 ;
- “ The water undertaking ” means the water undertaking of the Corporation as from time to time authorised ;
- “ The tramway undertaking ” means the tramway undertaking of the Corporation as from time to time authorised ;
- “ The gas undertaking ” means the gas undertaking of the Corporation as from time to time authorised ;
- “ The electricity undertaking ” means the electricity undertaking of the Corporation as from time to time authorised ;
- “ The Dock Board ” means the Mersey Docks and Harbour Board ;
- “ Hackney carriage ” has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus as defined in the Town Police Clauses Act 1889 ;
- “ The township ” means the township of Birkenhead ;
- “ The overseers ” means the overseers of the township ;
- “ The poor rate ” means the poor rate of the township ;
- “ The consolidated rate ” means the poor rate as by this Act authorised to be levied and collected ;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other

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local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

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

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

PART II.

WATER.

5.—(1) Subject to the provisions of this Act the Corporation may as and when they shall determine make construct lay down and maintain in the parishes of Burton and Ness in the county of Chester in the situation and lines and according to the levels shown on the deposited plans and sections and in and upon the lands described upon such plans an aqueduct consisting of a line or lines of pipes commencing by a junction with the aqueduct No. 6 authorised by the Act of 1907 at a point in the said aqueduct about nine chains north-west of the north end of the reclamation embankment at Burton Point and terminating by a junction with the said aqueduct at the western corner of the premises known as Denhall House Ness and may discontinue and remove any existing works which may be rendered unnecessary thereby.

Power to
construct
waterworks.

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

Limits of deviation.

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

Power to acquire lands.

7. Subject to the provisions and for the purposes of this Act the Corporation may enter upon take appropriate use and hold all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Period for compulsory purchase of lands.

8. The powers of the Corporation for the compulsory purchase or taking of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Applica-
tion of
provisions
of former
Acts to
waterworks.

9. Subject to the provisions of this Act the works authorised by this Part of this Act shall for all purposes form part of the water undertaking and the provisions hereinafter mentioned of the Act of 1907 shall so far as the same are applicable to and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to the said works as if they had been expressly re-enacted in this Act with reference thereto.

The provisions of the Act of 1907 hereinbefore referred to are :—

- Section 6 (Power to acquire easements only);
- Section 7 (Power of persons under disability to grant easements &c.);
- Section 19 (Temporary occupation of lands during construction of works);
- Section 20 (Temporary discharge of water into streams).

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

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Extinction
of private
rights of
way.

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

Compensa-
tion in case
of recently
altered
buildings.

12. In addition to any land vested in the Corporation or which they are authorised to purchase the Corporation may from time to time by agreement purchase take on lease and hold such further quantities of land within the drainage areas of any of their waterworks as they may deem expedient in order to protect the streams communicating therewith against nuisance pollution fouling contamination or discolouration and such further quantities of land within or outside the said drainage areas as they may require to exchange for any lands within the said drainage areas which it is expedient to acquire for the purposes aforesaid and such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively and the purchase of any such lands prior to the passing

Additional
lands by
agreement
for protec-
tion of
waterworks.

A.D. 1923. — of this Act is hereby sanctioned and confirmed but the Corporation shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employment or such buildings and works as may be incident to or connected with the water undertaking.

Construc-
tion of
aqueducts
through
certain
estates.

13. The Act of 1907 shall be read and have effect as if the words “and the work of constructing any such aqueduct” had always been inserted in subsection (2) of section 41 (For protection of Aneurin Oliver Evans) in lieu of the words “and the work of constructing such aqueducts.”

Increase of
charges for
water
supplied for
domestic
use.

14. From and after the twenty-fourth day of June one thousand nine hundred and twenty-three section 182 (Rates at which water is to be supplied for domestic purposes) of the Act of 1881 shall be read and have effect as if the words “eighteen pounds fifteen shillings” were inserted therein instead of the words “six pounds ten shillings” and the expression “net annual rateable value” where used in that section shall mean the net rateable value according to the valuation list for the poor rate from time to time in force but adjusted as from the commencement of the year for which such list is in force in respect of any alteration of any assessment in such list which may from time to time be made during the currency of the same. Provided always that from and after the said date notwithstanding anything contained in section 22 (For protection of Henry Frederic Clare Vyner) of the Gas and Water Act 1881 the Corporation may from time to time charge for a supply of water to consumers in the parish of Bidston and recover in like manner as the water rent a sum exceeding the water rent or rate for the time being charged by the Corporation in the borough either—

(a) by the same amount in the pound on the net annual rateable value of the premises supplied as the amount in the pound of any part of the borough rate which may be levied in respect of the same period consequent on any deficiency in the receipts of the water undertaking; or

(b) by sixpence in the pound on the net annual rateable value of the premises supplied;

whichever shall be the less:

Provided also that any such sum exceeding the water rent or rate for the time being charged by the Corporation in the borough which is recovered as hereinbefore provided shall be carried to the credit of the borough fund. A.D. 1923.

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

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

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

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

17. From and after the twenty-fourth day of June one thousand nine hundred and twenty-three— As to price of certain supplies by measure.

(a) Section 40 (For protection of Pool Park Estate) of the Act of 1907; and

(b) the agreements scheduled to the Act of 1907; shall be read and construed as if the price for any supply of water which is by the said section or those agreements respectively required to be paid or charged were in each case increased by seventy-five per centum.

18. The Corporation may on all or any of the lands from time to time held by them in connection with the water undertaking execute for the purposes of or in connection with the said undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847. As to exercise of powers of section 12 of Waterworks Clauses Act 1847. Provided that the Corporation shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands

A.D. 1923. — purchased or taken on lease nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or in connection with the water undertaking.

Powers in relation to water mains.

19. Subject to the provisions of this Act the Corporation shall have the same powers and be subject to the same restrictions for carrying water mains within or without the limits for the supply of water by them as they have or are subject to for carrying sewers within or without their district respectively by the law for the time being in force :

Provided that the Corporation shall not exercise the powers aforesaid with respect to any street repairable by the Dock Board or any land or other property belonging to them except with the consent of the Dock Board first being obtained but such consent shall not be unreasonably withheld.

Power to lay water pipes in private streets.

20. The Corporation may on the application of the owner or occupier of any premises within the limits for the supply of water by the Corporation abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if the street were a street within the meaning of those Acts and as if section 29 of the former Act were excepted from incorporation in the Acts relating to the water undertaking :

Provided that nothing in this section shall apply to any street repairable by the Dock Board or to any land or other property belonging to them except with the consent of the Dock Board first being obtained but such consent shall not be unreasonably withheld.

Power to provide water tanks under streets.

21.—(1) The Corporation may subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes construct place fix and maintain in or under any street within the borough tanks or other receptacles for water for use by the users of road locomotives or motor cars with all necessary or convenient apparatus and appliances (including covers or boxes and pillars or stand-pipes projecting above the level of the surface of the street) for taking or using water from such tanks or receptacles.

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(2) The Corporation may make and recover such charges as they may think fit for any water so taken or used and make regulations as to the taking or use of such water and the issuing of permits for such taking or use and the mode of payment of the charges of the Corporation therefor.

(3) If any person shall take or use any water from any such tank or receptacle as aforesaid without being duly authorised so to do by the Corporation he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

(4) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in any street in under or near to which any such tank or other receptacle is constructed or placed signs or directions indicating the position of such tank or other receptacle and the means by which water may be obtained from the same :

Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Corporation shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment.

(5) The Corporation may in any such street as aforesaid erect place fix and maintain posts or poles for carrying such signs or directions as aforesaid.

(6) The Corporation shall not under the powers of this section construct or place any such tank or receptacle as aforesaid on any bridge carrying any street or road over the railways of the London Midland and Scottish Railway Company and the Great Western Railway Company or under any bridge carrying any such railways over any street or road or within ten feet of any abutment of any such bridge or so as to interfere with or render less convenient the access to or exit from any station or depôt of those companies.

(7) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard

A.D. 1923. or similar erection when no longer required for his purposes.

(8) Nothing in this section shall apply to any street repairable by the Dock Board or to any lamp-post pole standard or other erection belonging to them except with the consent of the Dock Board first being obtained but such consent shall not be unreasonably withheld.

(9) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

Detection
of waste.

22. Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus and stopcocks on or in any mains or pipes supplying houses with water (without thereby in any way affecting the ownership of any such mains or pipes) and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and for that purpose stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Corporation shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

Corporation
not bound
to supply
several
houses by
one pipe.

23. The Corporation shall not be bound to supply more than one house erected after the passing of this Act by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Notice of
discon-
tinuance.

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

Injuring
meters &c.

25.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured

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Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Register of meter to be primâ facie evidence.

27. Where the Corporation supply water by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Corporation. Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which or the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Penalty for closing valves and apparatus.

28. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Provisions in event of purchase of Wirral waterworks undertaking.

29. From and after the purchase by the Corporation under the provisions of the Gas and Water Act 1881 of any portion of the undertaking of the Wirral Waterworks Company situate within the borough the said portion of the undertaking shall for all purposes notwithstanding anything contained in the said Act of 1881 form part of the water undertaking and the provisions of the Acts relating to the water undertaking and the byelaws and regulations made thereunder shall apply to the portion of the undertaking so purchased in lieu

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any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained.

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

26. The Corporation by their agents or workmen after forty-eight hours' notice in writing under the hand of the water engineer or some other officer of the Corporation to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the

Power to
remove
meters and
fittings.

of the Wirral Waterworks Act 1859 and the byelaws rules and regulations of the Wirral Waterworks Company. A.D. 1923. —

30. The following enactments are hereby repealed namely :— Repeal
of certain
water pro-
visions.

The Act of 1881—

Section 191 (If Corporation refuse to supply water owners of houses may require to be supplied by meter):

The Birkenhead Improvement Act 1884—

Section 54 (Amendment of section 182 of the Birkenhead Corporation Act 1881):

The Birkenhead Corporation (Gas and Water) Act 1890—

The first proviso to section 4 (Bidston included in water limits):

The Act of 1907—

Section 11 (Power to hold lands for protection of waterworks);

Section 76 (Alteration of maximum charge for domestic supply); and

The Birkenhead Water (Temporary Increase of Charges) Order 1921 :

Provided that the said enactments so far as they relate to rates and charges shall be deemed to have been repealed as from the twenty-fourth day of June one thousand nine hundred and twenty-three.

31. Nothing in subsection (3) of section 26 (For protection of corporation of Liverpool) of the Act of 1907 shall preclude the Corporation from supplying at any time to the mayor aldermen and burgesses of the borough of Wallasey (in this section referred to as "the Wallasey Corporation") within or for use within the said borough of Wallasey at a rate less than the average rate referred to in that subsection such quantity of water as the Wallasey Corporation may require in excess of the quantity represented by the capacity of the mains and works by means of which the lord mayor aldermen and citizens of the city of Liverpool were immediately before the passing of this Act supplying water to the Wallasey Corporation but save as aforesaid nothing in this Act As to
supply of
water to
Wallasey.

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For protection of
Cheshire
County
Council.

32. The following provisions for the protection of the county council of the county palatine of Chester (in this section referred to as "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed between the Corporation and the county council apply and have effect with respect to the exercise in or affecting any main road or any county or main road bridge or approach thereto of any powers of the Corporation in connection with the water undertaking otherwise than under or in pursuance of the Act of 1907 to which the provisions of section 25 (For protection of county council of county palatine of Chester) of that Act apply (that is to say):—

(1) The notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such road bridge or approach be not less than seven days instead of three days except in cases of emergency as defined and provided for in that section:

(2) All new mains pipes and works (not being replacements of existing mains pipes and works or service pipes) (in this section referred to as "the works") to be laid in or along any such road or in or upon or across any such bridge or approach shall be laid in such position therein as the county council in writing under the hand of their surveyor (in this section referred to as "the county surveyor") may reasonably direct and the trench shall be filled in and the surface of such road and the roadway of such bridge or approach made good and level with the adjoining surface of such road or roadway in accordance with the reasonable requirements of the county surveyor and the Corporation shall be liable to maintain and repair at their own expense and to the reasonable satisfaction of the county surveyor such road or roadway over the trench for a period of three months from the date of the surface being made good as aforesaid and such further period (if any)

not being more than twelve months in the whole as the soil broken up shall continue to subside : A.D. 1923.
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- (3) The works and any works of maintenance alteration or renewal thereof shall be executed so as not to stop or unreasonably impede or interfere with the traffic over or along any such road or roadway and no road or roadway shall be broken up for a greater consecutive length than one hundred yards at any one time :
- (4) The county council shall not except in case of negligence be liable to the Corporation for any damage done to the works where laid under the metalled portion of any such road caused by the reasonable use by the county council of a road roller or other engine not exceeding fifteen tons in weight :
- (5) The Corporation shall during the progress of the works take all necessary steps at their own expense for protecting the public using any such road from injury and shall indemnify the county council against all costs losses or damages that may be incurred or suffered consequent upon their neglect or omission to provide such protection :
- (6) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate or improve any main road or the approaches to any county or main road bridge in or along which any of the works shall have been laid and the Corporation shall with all reasonable despatch on receiving notice in writing under the hand of the county surveyor so to do alter the position of any such works in the manner and to the extent reasonably prescribed by such notice or as in case of difference shall be determined in the manner hereinafter provided and the county council shall repay to the Corporation the expense reasonably incurred by the Corporation in effecting any such alteration of the position of any such works :
- (7) Nothing in this Act contained shall interfere with the right of the county council at any time to

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—

remove alter rebuild widen or repair any county or main road bridge or the roadway over the same over or near or attached to which any of the works are carried in the same manner as they might have removed altered rebuilt widened or repaired such bridge or the roadway over the same if this Act had not been passed and the works had not been laid over or near or attached to such bridge and the county council shall not make any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such removal alteration rebuilding widening or reparation and in the event of any such bridge or the roadway over the same over or near or attached to which any of the works are laid being removed altered rebuilt widened or repaired as aforesaid the Corporation shall where necessary at their own expense alter the position of their works to the reasonable satisfaction of the county surveyor Provided that before and during the removal alteration rebuilding widening or reparation of any such bridge or the roadway over the same as aforesaid the county council shall afford all reasonable facilities to enable the Corporation temporarily to carry the works so as not to interrupt the continuous supply of water or to diminish the pressure of such supply :

- (8) Any difference which arises under this section shall be referred to and be determined by arbitration subject to the provisions of the Arbitration Act 1889 and the arbitrator shall failing agreement be appointed by the President of the Institution of Civil Engineers on the application of either party.

For protection of
Wirral
Rural
District
Council.

33. The following provisions for the protection of the Wirral Rural District Council (in this section referred to as "the council") shall notwithstanding anything in this Act contained and unless otherwise agreed between the Corporation and the council apply and have effect with respect to the exercise of any powers of the Corporation in connection with the water undertaking to which the provisions of section 34 (For protection of Wirral Rural

District Council) of the Act of 1907 do not apply in or affecting any road or any bridge or the approach thereto in the district of the council vested in or maintained by the council (that is to say):— A.D. 1923.

- (1) The notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such road bridge or approach be not less than seven days instead of three days except in cases of emergency as defined and provided for in that section :
- (2) The plan required by section 31 of the Waterworks Clauses Act 1847 shall be accompanied by a description of the works and shall be delivered by the Corporation to the council or their engineer (in this section referred to as "the engineer") not less than seven days before the Corporation commence to open or break up any such road or interfere with any such bridge :
- (3) All new mains pipes and works (not being replacements of existing mains pipes and works or service pipes) (in this section referred to as "the works") to be laid in or along any such road or in or upon or across any such bridge or approach shall be laid in such position therein as the council in writing under the hand of the engineer may reasonably direct :
- (4) Nothing in this Act contained shall interfere with the right of the council to alter the level of deviate or improve any such road bridge or approach in or along which any of the works shall have been laid and the Corporation shall with all reasonable despatch on receiving notice in writing under the hand of the engineer or the clerk to the council so to do alter the position of any such works in the manner and to the extent reasonably prescribed by such notice or as in case of difference shall be determined in the manner hereinafter provided and the council shall repay to the Corporation the expense reasonably incurred by the Corporation in effecting any such alteration of the position of any such works :

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- (5) Nothing in this Act contained shall interfere with the right of the council at any time to remove alter rebuild widen or repair any bridge or the roadway over the same over or near or attached to which any of the works are carried in the same manner as they might have removed altered rebuilt widened or repaired such bridge or the roadway over the same if this Act had not been passed and the works had not been laid over or near or attached to such bridge and the council shall not make any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge or the roadway over the same over or near or attached to which any of the works are laid being removed altered rebuilt widened or repaired as aforesaid the Corporation shall where necessary at their own expense alter the position of the works so carried over or near or attached to such bridge or the roadway over the same Provided that before and during the removal alteration rebuilding widening or reparation of any such bridge or the roadway over the same as aforesaid the council shall afford all reasonable facilities for enabling the Corporation temporarily to carry the works so as not to interrupt the continuous supply of water or to diminish the pressure of such supply :
- (6) Whenever it shall be found necessary by the Corporation to break up any road not dedicated to public use in which is laid any pipe drain sewer tunnel or other work vested in the council the like notice and plan as are respectively required by sections 30 and 31 of the Waterworks Clauses Act 1847 to be given or sent to the persons having the control or management of any street shall be given and sent to the council and if the council notify in writing to the Corporation that any such pipe drain sewer tunnel or other work will or may be affected by the operations proposed to be carried out by the Corporation in such road

the provisions of the said Act shall apply for the protection of such pipe drain sewer tunnel or other work and of the council in reference thereto as though the council were persons having the control and management of such road within the meaning of the said Act :

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- (7) The works shall be so executed by the Corporation as not to stop or unreasonably impede or interfere with the traffic on any such road or over any such bridge or approach and the Corporation shall not open a greater continuous length of road than one hundred yards nor shall they leave a less space than fifty yards between any two consecutive openings and they shall not open a greater length than fifty yards at any place where such opening would leave insufficient space for the passage of two vehicles abreast :
- (8) The council shall not except in case of negligence be liable to the Corporation for any damage done to the works where laid under the metalled portion of any such road caused by the reasonable use by the council of a road roller or other engine not exceeding fifteen tons in weight :
- (9) Any difference under this section shall be referred to and determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference.

34.—(1) Section 34 (For protection of Wirral Rural District Council) of the Act of 1907 as amended by this section shall extend and apply to the works authorised by the section of this Act of which the marginal note is “Power to construct waterworks.”

For further
protection
of Wirral
Rural
District
Council.

(2) Subsection (7) of the said section 34 shall be read and have effect as if the following provision were inserted at the end thereof “Provided that if the council so desire they may themselves make good such damage and the reasonable expense of so doing shall be repaid by the Corporation to the council.”

A.D. 1923.

PART III.

TRAMWAYS AND OMNIBUSES.

Power to
construct
tramway.

35. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain within the borough in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections a tramway (double line 5 furlongs 1·75 chains in length) commencing by a junction with the existing tramway of the Corporation in Laird Street at a point about seven yards west of Plumer Street passing thence along Laird Street St. James's Road and Ilchester Road and into and terminating in Beaufort Road by a junction with the existing tramway of the Corporation at a point about twenty-seven feet south-east of Ilchester Road together with all proper rails plates works and conveniences connected therewith and the Corporation may take up remove and alter the position of any existing tramways and the rails and other works connected therewith which may be necessary for the purpose of laying down the said tramway :

Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Period for
completion
of tramway.

36. The tramway shall be completed within five years from the passing of this Act or such further period as may be approved by the Minister of Transport and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Application
of pro-
visions of
former Acts
to tramway.

37. Subject to the provisions of this Act the tramway shall for all purposes form part of the tramway undertaking and the hereinafter-mentioned provisions of the Birkenhead Tramways Act 1877 the Act of 1897 and the Act of 1899 respectively which relate to the tramway undertaking shall so far as the same are applicable to and are not inconsistent with the provisions of

this Act extend and apply mutatis mutandis to the tramway as if they had been expressly re-enacted in this Act with reference thereto.

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The provisions of the said Acts hereinbefore referred to are :—

The Birkenhead Tramways Act 1877—

- Section 56 (Tolls for passengers);
- Section 59 (Cheap fares for labouring classes):

The Act of 1897—

- Section 30 (Motive power on tramways);
- Section 32 (Restrictions as to the use of electric power);
- Section 33 (Penalty for using mechanical power contrary to Act or regulations);
- Section 34 (Byelaws of Board of Trade):

The Act of 1899—

- Section 13 (As to rails of tramways);
- Section 14 (Inspection by Board of Trade);
- Section 15 (Mechanical power works to be subject to section 30 of Tramways Act 1870);
- Section 16 (Tramways to be kept on level of surface of road);
- Section 20 (Plan of proposed mode of construction of tramways);
- Section 23 (Application of road materials excavated in construction of works);
- Section 24 (Temporary tramway may be made where necessary);
- Section 30 (Temporary stoppage of streets):

Provided that references in the said sections to the Board of Trade shall be deemed to refer to the Minister or Ministry of Transport as the case may be.

38. The tramway shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be approved by the Minister of Transport but carriages or trucks adapted to run on railways shall not be run thereon.

Gauge of tramway.

39. For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") the following provisions shall unless

For protection of London Midland

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

- (1) Before commencing any works in connection with the tramway by this Act authorised on or over the bridge carrying Ilchester Road over the railway of the company or on or over the approaches to that bridge (which works are in this section referred to as "the said works") the Corporation shall give fourteen days' notice in writing to the company of their intention to execute the said works and such notice shall be accompanied by plans sections and specifications showing the nature and extent of the said works and the Corporation shall not commence the construction of the said works until such plans sections and specifications have been reasonably approved in writing by the principal engineer of the company. Provided always that if the said principal engineer shall for the period of fourteen days after the receipt by him of the said plans sections and particulars fail to disapprove such plans sections or specifications he shall be deemed to have approved the same :
- (2) The said works shall be executed and maintained by the Corporation according to the plans sections and specifications so approved and under the superintendence and to the reasonable satisfaction of the company and all such works shall be thereafter maintained to the like satisfaction :
- (3) The Corporation shall not in any manner in the execution maintenance and user or repair of the said works alter interfere with or injuriously affect the structure of the said bridge or approaches or obstruct or interfere with the free uninterrupted and safe user of the railway of the company or any traffic thereon :
- (4) The Corporation shall at their own expense and to the reasonable satisfaction of the company execute such works (if any) as the company may reasonably require for strengthening the said bridge and approaches so as to adapt the same for the construction and working thereon of the said tramway :

- (5) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railway or to any company or person using the same by reason of the execution user or breakdown of any of the said works or of any injury to the said bridge or approaches caused by or resulting from the execution maintenance repair or user of the said works or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractor for the said works or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution user breakdown or injury or of any such act default or omission :
- (6) In the event of any injury being caused to the said bridge or approaches by the construction maintenance repair user or removal of the said works the company may restore the said bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the reasonable expense of so doing shall be repaid to them by the Corporation :
- (7) The Corporation shall on demand pay to the company the reasonable expense of any necessary lighting or watching of the railway and works of the company during the construction of the said works for preventing interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them :
- (8) Whenever and so often as the company shall require in the exercise of their existing powers to widen lengthen strengthen reconstruct alter or repair the said bridge or approaches or to widen or alter their railway thereunder or to lift or support the said bridge or approaches

A.D. 1923.

A.D. 1923.
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owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of the tramway over the said bridge or approaches shall be wholly or partially stopped or delayed or that the said tramway shall temporarily be wholly or in part taken up or removed and shall except in case of emergency (when they shall give the longest notice practicable) give to the Corporation one month's notice in writing requiring such stoppage delay taking up or removal the working or user of the tramway on the said bridge and approaches shall be stopped or delayed or so much of the said tramway as is on the said bridge and approaches shall be taken up or removed accordingly by and at the expense of the Corporation but only for so long as shall be absolutely necessary for effecting such purposes and without the company being liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage delay taking up or removal or in any way relating thereto Provided that except in case of absolute necessity the Corporation shall not be required to take up or remove or to stop the user of more than one set of tramway rails laid on the said bridge and approaches at one and the same time :

- (9) The Corporation shall pay to the company any additional expense which they may incur or be put to in maintaining the said bridge and approaches or the roadway thereon or in effecting in pursuance of their existing powers any such widening lengthening strengthening reconstruction alteration repairing lifting or supporting of the said bridge and approaches by reason of the existence of the said tramway :
- (10) All works which may be necessary in constructing and maintaining the said tramway or for working the same by mechanical or electrical power over the said bridge and approaches shall be constructed and maintained in all things at

the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the company and so as not to affect or interfere in any way with the signals or signalling apparatus of the company : A.D. 1923.

- (11) No stays posts wires tubes conductors boxes or other apparatus in connection with the electrical equipment of the said tramway other than such as shall be shown on the plans and sections and described in the specifications of the said works as approved as aforesaid shall without the previous consent in writing of the company be attached to or constructed or placed upon or in the said bridge and approaches :
- (12) Notwithstanding anything contained in this Act any materials excavated by the Corporation from the said bridge and approaches shall remain and be the property of the company and shall be deposited by the Corporation at such place or be dealt with or disposed of by them in such manner as the company may reasonably direct :
- (13) Any difference arising between the Corporation and the company under this section shall be determined by an engineer to be appointed by the Minister of Transport upon the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

40.—(1) The Corporation may in under or over the surface of the streets or roads in which any tramway of the Corporation is or will be situate or in which it may be necessary so to do in order to connect any such tramway with any generating station construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working any such tramway by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided that no post or other apparatus

As to electrical works.

A.D. 1923. shall be erected on the carriageway of any street or road except with the consent of the Minister of Transport.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers under the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

Cross-overs to be constructed in certain cases.

41. Where in any road in which a double line of tramway of the Corporation is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall if and where required by the Minister of Transport construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs and to double tramway lines.

42.—(1) The Corporation may subject to the provisions of this Act with the consent of the Minister of Transport make maintain alter and remove such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of any of the tramways of the Corporation or for providing access to any warehouses stables or carriage-houses or works of the Corporation.

(2) Notwithstanding anything shown on the deposited plans the Corporation may with the consent of the Minister of Transport lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways of the Corporation and may with the like consent at any time alter the position in the road of any of such tramways or any part thereof.

(3) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in

writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not except with the consent of the Minister of Transport be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

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43. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of a tramway of the Corporation.

Apparatus
used for
mechanical
power to be
deemed part
of tramway.

44. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Part of this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

Alteration
of telegraph
lines of
Postmaster-
General.

45. In the event of any tramways of the Corporation being worked by electricity or of any work for the supply of electricity under the Act of 1897 being undertaken by the Corporation the following provisions shall have effect :—

For pro-
tection of
Postmaster-
General.

- (1) The Corporation shall construct their electric lines and other works of all descriptions and shall work the tramway undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the tramway undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any

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difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration :

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the tramway undertaking the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration :
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of the tramway undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant

and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the regulations of the Ministry of Transport :

- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding twenty pounds and to a further fine not exceeding ten pounds for every day during which such contravention or non-compliance continues after conviction thereof or if the telegraphic communication is wilfully interrupted to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which such interruption continues after conviction thereof :
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :

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- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Minister of Transport on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

Use of
tramway
posts &c. by
Postmaster-
General.

46.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with any of the tramways of the Corporation and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions :—

- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways :
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner

in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided :

- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Minister of Transport arising through the exercise by the Postmaster-General of the powers conferred by this section :
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided :
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be

A.D. 1923.
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incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :

- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided :
- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :
- (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramways or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

A.D. 1923.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "Corporation" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

47. Section 56 (Tolls for passengers) and section 59 (Cheap fares for labouring classes) of the Birkenhead Tramways Act 1877 or any enactment (including this Act) which incorporates or applies those sections shall be read and construed as if the amount of any rate charge or fare per mile which the Corporation are by those sections authorised to charge were in each case increased by fifty per centum provided that in computing the actual rates charges or fares to be charged a fraction of one halfpenny shall be deemed to be one halfpenny.

Tramway
fares and
charges.

48. Every passenger travelling upon any tramways of the Corporation may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

Passengers'
luggage.

49. The Corporation may convey upon their tramways parcels not exceeding fifty-six pounds in weight and may demand and take in respect of such conveyance rates and charges not exceeding such maximum

Power to
carry
parcels.

A.D. 1923. — rates and charges as may from time to time be approved by the Minister of Transport but the Corporation shall not carry any other goods or animals.

Revision
of fares
rates and
charges.

50.—(1) If at any time after three years from the passing of this Act or after three years from the date of any order made in pursuance of this section in respect of the tramways of the Corporation or any portion thereof it is represented in writing to the Minister of Transport by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Corporation that under the circumstances then existing all or any of the fares rates or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Minister of Transport may (if he thinks fit) direct an inquiry by a referee to be appointed by him in accordance with the provisions of the Ministry of Transport Act 1919 and if the referee reports that it has been proved to his satisfaction that all or any of the fares rates or charges should be revised the Minister may subject to the maximum fares rates and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares rates or charges to be taken in respect of the tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Transport made in pursuance of this section.

(2) Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Ministry in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representations the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

Corporation
may use
tramways

51. Notwithstanding anything contained in this Act the Corporation may at such times and in such manner as they think fit (but subject to any byelaws

from time to time in force with respect to their tramways) use the said tramways for sanitary purposes and for the conveyance of scavenging stuffs road metal coal and other materials required for the works of the Corporation.

A.D. 1923.

for sanitary purposes &c.

52. The Corporation may run through cars along any of the routes of their tramways or any specified portion thereof and such cars shall be distinguished from other cars in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car. Provided that during the running of such through cars the Corporation shall maintain a reasonably sufficient ordinary service of cars.

Through cars.

53.—(1) The Corporation on the one hand and any local authority company body or person owning or working any tramways which may now or hereafter be connected with any tramways of the Corporation on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

Tramway working agreements.

- (a) The formation of junctions between the tramways of the contracting parties;
- (b) The leasing working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom;
- (c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways of rolling stock necessary for the purposes of such agreement and the employment of officers and servants;
- (d) The supply of motive power;
- (e) The payments to be made and the conditions to be performed with respect to the matters aforesaid:

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—

(f) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the contracting parties.

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways of the other the tramways of the parties so contracting shall for the purpose of calculating maximum fares and charges in respect of conveyance partly over the tramways of the one party and partly over those of the other be considered as one tramway and the maximum charge for each such part of the entire distance shall be calculated at the maximum rate which according to the scale applicable to such part would be chargeable for the entire distance.

(3) In this section the word "tramways" includes light railways.

Power to
hold patent
rights.

54. The Corporation may acquire and hold patent and other rights and licences (not being exclusive) in relation to the use of electrical power for any purpose of the tramway undertaking.

Byelaws
by local
authority.

55. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on any of the tramways of the Corporation shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Acts relating to such tramways or by the regulations of the Board of Trade or of the Ministry of Transport but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Omnibus
working
agreements.

56.—(1) The Corporation and any local authority empowered to run omnibuses in any borough or urban or rural district adjacent to the borough or adjacent to any borough or urban or rural district in which any route over which the Corporation are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are

empowered to provide subject to the provisions of the respective Acts under which such omnibus services are authorised. A.D. 1923.

(2) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the borough or on any route over which the Corporation are for the time being empowered to run omnibuses.

(3) The Corporation and any such local authority company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say) :—

- (a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such omnibuses ;
- (b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants ;
- (c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties ;
- (d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any area beyond the borough otherwise than with the consent of the local authority of such area and as regards any road in the county palatine of Chester maintained wholly or partly at

A.D. 1923. — the expense of the county council of the said county otherwise than with the consent of the said county council.

Shelters
or waiting-
rooms.

57. The Corporation may erect and maintain within and with the consent of the local and road authorities outside the borough sheds shelters or waiting-rooms and gangways for the accommodation of passengers on any tramway or omnibus route of the Corporation and may use for that purpose portions of the public streets or roads. For the purposes of this section the Dock Board shall be deemed to be the road authority in respect of any road repairable by the Dock Board.

Cloak-
rooms.

58. The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their tramway undertaking and at suitable places on any of their tramway and omnibus routes and the Corporation may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority. For the purposes of this section the Dock Board shall be deemed to be the road authority in respect of any road repairable by the Dock Board.

Power to
require
intending
passengers
to wait in
lines or
queues.

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

Stopping
and starting
places.

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

omnibuses shall be allowed to remain at any such place but any such appointment and fixing of time shall (as respects any station or place outside the borough) be subject to the consent of the local authority of the district within which that station or place is appointed which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport.

A.D. 1923.

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

Lost
property.

(2) In the event of the re-delivery by the Corporation of lost property found in any tramcar or omnibus of the Corporation to any person who shall satisfactorily prove that the same belongs to him the Corporation shall be entitled to demand and receive on behalf of the finder from such person (a) if the estimated value of the property be more than ten shillings and less than five pounds or if the property be of such a character that the value thereof cannot readily be estimated the sum of two shillings and sixpence and (b) if the estimated value of the property be more than five pounds an amount equal to one shilling in the pound on the estimated value of the property Provided that in no case shall the Corporation or any servant of the Corporation be entitled to demand a greater amount than ten pounds or to demand and receive from such person any sum under any byelaw for the time being in force in addition to the sum received under this subsection.

62.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Corporation may on any occasion run and reserve tramcars and omnibuses on any route on which the Corporation are from time to time authorised to run the same for any special purpose which the Corporation may consider necessary or desirable Provided that such special tram-

Power to
reserve
tramcars
and omni-
buses for
special
purposes.

A.D. 1923.

cars and omnibuses shall be distinguished from others in such manner as may be directed by the Corporation and that during the running of such special tramcars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of tramcars or omnibuses as the case may be.

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

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

Lopping
of trees
over-hang-
ing streets.

63.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to interfere with any tramcar or omnibus of the Corporation or other vehicular traffic 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 interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage Provided that the powers of this section shall not be exercised outside the borough except with the consent of the road authority.

(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.

Penalty
for malicious
damage.

64. If any person wilfully does or causes to be done with respect to any tramcar or omnibus or any apparatus used for or in connection with the working of

any tramway or omnibus of the Corporation anything which is calculated to obstruct or interfere with the working of such tramcar tramway or omnibus or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Corporation shall be liable to a penalty not exceeding twenty pounds.

A.D. 1923.

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

Byelaws
under Part
III. of this
Act.

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

Inquiries by
Minister of
Transport.

67. The Corporation shall every year within three months after the closing of their financial year or such longer period as the Minister of Transport may allow furnish to that Minister a copy of the annual accounts of the tramway undertaking.

Accounts
to be
furnished to
Minister of
Transport.

68. All orders regulations and byelaws made by the Minister of Transport under the authority of this Part of this Act shall be signed by a secretary or an assistant secretary of the Ministry.

Orders
&c. of
Minister of
Transport.

69. The following enactments are hereby repealed namely:—

Repeal
of certain
tramway
provisions.

The Birkenhead Tramways Act 1877—

Section 57 (Passengers' luggage);

Section 58 (Company not to carry animals and goods):

The Birkenhead Tramways Act 1879—

Section 34 (Periodical revision of tolls):

A.D. 1923.

The Act of 1897—

Section 36 (Corporation not to take increased fares on Sundays or bank holidays);

Section 41 (For protection of the Postmaster-General):

The Act of 1899—

Section 21 (Passing places to be constructed in certain cases);

Section 22 (Power to make additional crossings &c.); and

The Birkenhead Corporation Act 1914—

Section 8 (Provision of shelters and waiting-rooms).

For protec-
tion of
certain
railway
companies.

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

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

PART IV.

GAS.

Discounts.

71. The Corporation may if they think fit allow discounts or rebates to consumers of gas in consideration of prompt payment of gas charges not exceeding in any case ten per centum and in addition thereto or irrespective thereof they may if they think fit allow discounts or

rebates to large consumers not exceeding in any case fifteen per centum Provided that all discounts or rebates shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this enactment shall be endorsed on every demand note for gas charges. A.D. 1923.
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72. Notwithstanding anything contained in any enactment to the contrary the Corporation shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is at the date when such notice is served insufficient for such purpose or if and so long as any such supply would in the opinion of the Corporation interfere with the sufficiency of the gas required to be supplied by means of that main for lighting or domestic purposes. As to mains of insufficient capacity.

73. At least twenty-four hours' notice shall be given to the Corporation by every gas consumer either personally at the office of the Corporation or in writing before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Corporation. Gas consumers to give notice to Corporation before removing.

74.—(1) In any case in which the Corporation are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Corporation without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Corporation) and any person who shall re-connect such service pipe with the meter without the consent of the Corporation shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847: As to mode of cutting off supplies.

A.D. 1923.

— Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Corporation subject to the provisions of section 22 of the Gasworks Clauses Act 1871 shall have and may exercise the like powers of entry as are exerciseable under that section.

Removal
of fittings
where gas
supply dis-
continued.

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

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

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

Power to
lay gas
pipes in
private
streets.

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

Provided that nothing in this section shall apply to any street repairable by the Dock Board or to any land or other property belonging to them except with the consent of the Dock Board first being obtained but such consent shall not be unreasonably withheld.

Corporation
may con-
tract for
supply and

78. The Corporation may contract with any local authority company or persons for the supply by the Corporation to them or for the supply to the Corporation by them of gas in bulk upon such terms and conditions

as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the borough.

A.D. 1923.

—
purchase in
bulk.

79.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

Anti-
fluctuators
to be used
with gas
engines.

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

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

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

PART V.

ELECTRICITY.

80. The Corporation may subject to the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the Schedule to the Electric Lighting (Clauses) Act 1899 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use sub-stations transforming stations and other works in connection with the electricity undertaking and may

Power to
construct
electrical
sub-stations
under
streets.

A.D. 1923.

—

in any such street 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 no such sub-station transforming station or other work shall be constructed in or under any main road or county or main road bridge or the approaches thereto without the consent of the county council of the county palatine of Chester but as regards a main road such consent shall not be unreasonably withheld.

Power to
lay electric
mains in
private
streets.

81. 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 limits for the supply of electricity by the Corporation 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 1832 to 1922 and of the Schedule to the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Provisions
as to
supply of
electricity
by agree-
ment.

82.—(1) 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.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 of the Schedule to the Electric Lighting

(Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation. Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions. A.D. 1923.

83.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of energy taken only on extraordinary occasions or as a standby supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum to be so paid to be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882. As to maximum power which may be demanded.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the date of the passing of this Act of any right to which he would be entitled but for the said provisions.

84.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings. Further powers as to entry upon premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such

A.D. 1923. — notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

Byelaws
as to wires
apparatus
and fittings.

85. The Corporation may make byelaws for the purpose of preventing fire in any building or premises supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section No byelaw made under this section shall apply to or with respect to any building or premises belonging to the Dock Board or to any building or premises (other than a dwelling-house) belonging to any railway company.

For protec-
tion of Dock
Board under
Part V. of
Act.

86.—(1) In the exercise of any of the powers of this Part of this Act relating to the execution of the works the Corporation shall not in any way injure the docks quays piers railways buildings works or conveniences belonging to the Dock Board nor obstruct or interfere with the working of traffic at upon or in any such dock quay pier railway building work or convenience.

(2) The Corporation shall not except with the consent of the Dock Board exercise in respect of any street repairable by the Dock Board any of the powers conferred by the sections of this Act of which the marginal notes respectively are "Power to construct electrical sub-stations under streets" and "Power to lay electric mains in private streets" but such consent shall not be unreasonably withheld nor shall the Corporation in carrying out any works authorised by those sections unnecessarily obstruct the passage of traffic along any street situate on the estate of the Dock Board.

PART VI.

HUMAN FOOD.

Byelaws
as to places
used for
storage and
sale &c. of
certain
foods.

87. The Corporation may from time to time make byelaws for securing cleanly and sanitary conditions in places used—

(a) for the storage for the purpose of sale or for the retail sale of fresh chilled frozen or salted meat; and

(b) for the preparation or manufacture of cooked or prepared food for the purpose of sale; and intended for the food of man; A.D. 1923.

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.

88. The sanitary inspector or 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 commodity intended for the food of man or any premises where any such commodity is for the purposes of sale deposited or stored or 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.

89. The Corporation may make byelaws with respect to the trade or business of a fish frier for the purposes of subsection (2) of section 51 of the Public Health Acts Amendment Act 1907 notwithstanding that such trade or business may not have been declared to be an offensive trade in pursuance of subsection (1) of that section. Byelaws with respect to fried fish shops.

90.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who— For regulating manufacture and sale of ice cream.

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

(b) in the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

A.D. 1923.
—

(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 for every such offence to a penalty not exceeding five pounds.

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

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer 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 or stand in or on which the same are offered for sale as an officer of the Corporation would have under section 102 of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

As to street vendors of food.

91. Every dealer in any article intended for the food of man vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings.

Penalty on original vendor of unsound food.

92.—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 of the Public

Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for the food of man (the proof that the same was not sold for the food of man resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition. A.D. 1923.

(2) Where any article of food has been condemned by a justice under section 117 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 the person to whom the same belongs or did belong at the time of deposit of such article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

(4) The Corporation shall forthwith after the passing of this Act give notice of the effect of the provisions of this section by advertisement in one or more local newspapers circulating in the borough.

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PART VII.

SANITARY PROVISIONS.

Cleansing of
verminous
persons.

93.—(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 in cases 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) The 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.

(4) If any person at the request of the Corporation or under an order of such justices shall cease his employment in order to comply with such order the Corporation may and in case of an order of a court shall make compensation to him for any loss he may suffer thereby.

(5) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation or any boat lying in any river dock canal or other water and used for the like

purpose other than a boat within the jurisdiction of the port sanitary authority. A.D. 1923.

(6) This section shall not apply to any person under the age of fourteen years.

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

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

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

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

A.D. 1923. 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.

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

Ventilation
of stables.

95. The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions in or about ~~or arising out of~~ any stable not being used as such at the time of the passing of this Act or in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

Prohibition
on bringing
rats into
borough.

96. No live rats shall be brought into the borough from any ship in the port of Liverpool except for the purposes of the port sanitary authority and any person offending against this enactment shall on conviction be liable for each offence to a penalty not exceeding forty shillings.

As to houses
connected
with single
private
drain.

97.—(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 of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

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

(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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PART VIII.

INFECTIOUS DISEASE.

98. Any parent or other person liable to maintain a child in attendance at a school (including a Sunday 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 or superintendent of the school shall be liable to a penalty not exceeding twenty shillings :

Notification
of infectious
disease to
teachers.

Provided that in any proceeding under this section a certificate purporting to be under the hand of the head teacher of an elementary school a continuation school or any other school under the control of the Corporation stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate.

99.—(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 a 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 without having procured from the medical officer or any other registered medical practitioner a certificate (which if granted by the medical officer of health 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 attend-
ance of
children at
places of
assembly.

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

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Power to
close
Sunday
schools in
certain
events.

100.—(1) If the Corporation or a committee of the Corporation acting on the advice of the medical officer with a view of preventing the spread of infectious disease require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time such requirement shall be at once complied with.

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

Meaning of
infectious
disease and
Sunday
school for
certain
purposes.

101. 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 ringworm scabies and any other disease made notifiable from time to time in the borough by procedure under the Infectious Disease (Notification) Act 1889 or any Act amending the same and the expression "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.

Medical
examination
of inmates
of common
lodging-
houses.

102. Whenever the medical officer shall report in writing to the Corporation or to a committee of the council that there is a prevalence of dangerous infectious disease in the borough or in 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 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 warrants 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 :

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- (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.

103.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in at least one newspaper published or circulating in the borough.

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

(2) The production of a copy of a newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART IX.

POLICE REGULATIONS.

104.—(1) Section 90 (Penalty on persons committing any of the offences enumerated) of the Act of 1881 shall be read and have effect as if there were added at the end thereof the words—

Amendments of police provisions of Act of 1881.

“ Every person guilty of riotous disorderly or indecent behaviour in any recreation ground belong-

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—

ing to or under the control of the Corporation or on any unfenced ground adjoining or abutting upon any street;

“ Every person committing a nuisance contrary to public propriety in any street or other public place or in any recreation ground belonging to or under the control of the Corporation.”

(2) The words “ or conveying in any manner ” where used in section 95 (Failing to give account of goods suspected to be stolen) of the Act of 1881 are hereby repealed and the expression “ possession ” where used in that section means possession custody or control in any premises or otherwise or conveying in any manner and the possession of a carrier agent or servant acting in the course of his employment shall (in addition to such possession) be deemed to be the possession of the person who shall have employed such carrier agent or servant.

(3) Section 99 (Power to search for goods suspected to be unlawfully obtained and concealed) of the Act of 1881 shall be read and have effect as if the word “ building ” were inserted therein in lieu of the word “ dwelling-house ” and as if the words “ building vessel ” were inserted therein in lieu of the word “ house.”

(4) Section 109 (Penalty on insulting passengers) of the Act of 1881 shall extend so as to relate to any person whether or not in a street who at any time assaults or insults any passenger in a street or other public place or uses to or in the hearing of any such passenger any threatening obscene or disgusting language.

(5) Section 129 (Complaints to the Corporation of drivers of carriages) of the Act of 1881 shall be read and have effect as if the words “ in the exercise of his calling ” were omitted therefrom.

Byelaws
for regulat-
ing motor
hackney
carriages.

105. The powers to make byelaws conferred by section 68 of the Town Police Clauses Act 1847 shall extend to enable the Corporation to make byelaws for fixing the rates or fares to be paid for motor or other hackney carriages within the prescribed distance under the said Act by a combination of time and distance and for securing the due publication of such rates or fares.

Testing of
taximeters.

106. The Corporation may require any taximeter or other similar apparatus used or intended to be used

on any hackney carriage plying for hire to be tested and inspected before being first used and at such reasonable intervals of time as the Corporation may require and in every case in which any such taximeter or other similar apparatus shall be found to register correctly the Corporation shall grant a certificate to that effect. No such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register accordingly and 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 upon conviction to a penalty not exceeding forty shillings.

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

Vehicles at
railway
stations.

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.

108. The Corporation may cause any keepers appointed or paid by them and all persons appointed to assist them permanently or otherwise to make such declaration as is by law required to be made by constables of the borough and the men making such declaration shall (if in uniform or provided with a warrant which they shall show if required) have in the parks or recreation grounds from time to time belonging to or under the control or maintained at the cost of the Corporation such powers authorities and privileges and shall be liable to such responsibilities and (subject to the directions

Park-
keepers &c.
may be
made
constables.

A.D. 1923. — of the Corporation) shall perform such duties as constables appointed under the Municipal Corporations Acts.

Nothing in this section shall be deemed to render applicable to any such keeper the provisions of any Act of Parliament relative to a police superannuation fund or superannuation allowances.

PART X.

CONSOLIDATION OF RATES.

Commence-
ment of Part
X. of Act. **109.** This Part of this Act shall come into operation on the first day of April one thousand nine hundred and twenty-four.

Repeal of
certain rates
provisions. **110.** The following provisions of the following Acts are hereby repealed (namely):—

The Act of 1881—

Section 244 (Power to rate prospectively and retrospectively);

Section 246 (Assessments in one book);

Section 247 (Rating of owner instead of occupier);

Proviso to Section 261 (Making and levying interest rate):

The Birkenhead Improvement Act 1884—

Section 50 (Collection of rates by overseers);

Third Schedule:

The Birkenhead Corporation Act 1891—

Section 45 (Power to make rates leviable by instalments); and

The Act of 1897—

Section 73 (Saving for proviso to section 261 of Act of 1881).

All expenses
of Corpora-
tion to be
paid out of
borough
fund and
rate. **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 general district fund or general district rate or the interest rate shall be charged on and defrayed out of or paid and

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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 general district fund or general district rate or the interest 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 unless the context otherwise requires be deemed to be a reference to the borough fund and the borough rate.

(2) The general district fund and the interest rate account shall be closed and any balance standing to the credit or to the debit of the general district fund or the general district rate or the interest 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 general district fund or the general district rate or the interest 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.

112. The contribution of the township 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. Contribution to borough rate to be paid out of poor 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 township but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate. Poor rate to be called consolidated rate.

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Owner
may be
rated
instead of
occupier
in certain
cases.

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

- (a) Where the rateable value of the hereditament does not exceed ten pounds; or
- (b) Where the premises are let in separate apartments; or
- (c) Where the rents are collected in respect of any period less than a quarter:

Provided that where the owner is so rated in respect of premises of a rateable value up to and including ten pounds he shall be entitled to a deduction of not less than twenty per centum and in respect of premises of a rateable value of more than ten pounds to a deduction of not less than ten per centum from the amount of the rate when paid by him if he shall pay the same by three equal instalments within three six and eight months respectively after the rate shall have been laid and if the owner so rated shall give notice to the Corporation in writing that he is willing to be rated for any term not being less than one year in respect of all such rateable hereditaments of which he is the owner whether the same be occupied or not the overseers shall rate the owner accordingly and allow him a further abatement of not less than thirteen and one-third per centum in respect of premises of the rateable value of ten pounds and under and of not less than two and one-half per centum in respect of premises of a rateable value of more than ten pounds from the amount of the rate during the time he is so rated.

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

Differential
rating for

115. The provisions contained in this section shall have effect with respect to the consolidated rate to be

hereafter made and levied by the overseers (that is to say) :— A.D. 1923.

—
certain
classes of
heredita-
ments.

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of sixty-two and one-half per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

(2) 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 sixty per centum of the amount payable under subsection (1) of the section of the Birkenhead 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 tithe rentcharge and the remaining forty per centum 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 ” :

(3) During the continuance of the Agricultural Rates Act 1896 the occupier of any agricultural land

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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 thirty-seven and one-half per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

(4) 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 township; 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 township 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.

Appeals.

116.—(1) If any occupier referred to in subsection (1) 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.

(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.

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117.—(1) Until the Bebington Ward of the borough is supplied with water by the Corporation the amount in the pound of the portion of the borough rate which but for this Part of this Act would have been leviabie as the interest rate levied on property in the said ward in respect of interest on debt existing on the first day of January one thousand eight hundred and eighty-two shall not exceed one-half of the amount in the pound of such portion of the borough rate levied in respect of such interest on property in the remainder of the borough.

Portions
of borough
rate not to
be levied
in certain
wards.

(2) The expression "all general district rates" where used in subsection (1) of section 78 (Deduction from general district rate in Oxtton and Bebington Wards) of the Act of 1907 shall be deemed to mean so much of all borough rates as but for this Part of this Act would have been leviabie as the general district rate and the reference to section 261 of the Act of 1881 in the proviso to the said subsection shall be deemed to refer to subsection (1) of this section.

118. Nothing in this Act shall prejudice or affect the rights of the Birkenhead and Claughton-cum-Grange Burial Board or the burial board of the parish of Bebington under or in pursuance of section 71 (Saving for existing burial boards) of the Act of 1897.

Saving for
burial
boards.

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

Amend-
ment of
error in
consolidated
rate.

120. 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 consoli-
dated rate.

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Payment of
consolidated
rate by in-
stalments.

121. The overseers if so required by the Corporation shall in pursuance of the provisions of section 15 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.

Water rent
may be
collected
with con-
solidated
rate.

122. Any water rent or water charge payable to the Corporation may be collected together with the consolidated rate and the same books may be used for the said rents charges and rate.

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

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

123. For the purposes of section 133 of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be fifty per centum of the amount in the pound of the consolidated rate.

As to
recovery of
consolidated
rate.

124. 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.

PART XI.

FINANCE.

Power to
borrow and
repayment
of borrowed
moneys.

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

borrowed for the said purposes respectively (that is to say) :— A.D. 1923.

1. Purpose.	2. Amount.	3. Charge.	4. Period for Repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Borough fund and borough rate.	Five years from passing of Act.
(2) For purchase of lands and easements for and for construction of waterworks by this Act authorised.	£ 14,000	Revenue of water undertaking and borough fund and borough rate.	Sixty years from date or dates of borrowing.
(3) For payment out of capital of certain loan charges in respect of moneys borrowed for purposes of works authorised by Act of 1907.	300,000	Revenue of water undertaking and borough fund and borough rate.	Sixty years from date or dates of borrowing.
(4) For construction of tramway by this Act authorised.	19,000	Revenue of tramway undertaking and borough fund and borough rate.	Twenty-five years from date or dates of borrowing.
(5) For electrical equipment of tramway by this Act authorised.	1,300	Revenue of tramway undertaking and borough fund and borough rate.	Twenty years from date or dates of borrowing.

Provided that not more than thirty thousand pounds of the moneys borrowed for the said purpose (3) shall be applied in the payment of loan charges in any one year and no moneys so borrowed shall be applied in the payment of loan charges falling due after the thirty-first day of March one thousand nine hundred and thirty-five.

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(2) The Corporation may also with the sanction of the Minister of Transport borrow such further moneys as may be necessary (a) for any of the purposes of Part III. (Tramways and omnibuses) of this Act and (b) for any other purposes of the tramway undertaking.

(3) The Corporation may also with the sanction of the Minister of Health borrow such further moneys as may be necessary (a) for any of the purposes of this Act (other than the purposes of the tramway undertaking) (b) for any of the purposes of the Act of 1907 and (c) for the purchase authorised by the Gas and Water Act 1881 of the whole or part of the undertaking of the Wirral Waterworks Company.

(4) Any moneys borrowed under the powers of subsections (2) and (3) of this section shall be repaid within such periods not exceeding sixty years or in the case of moneys borrowed for any of the purposes of the Act of 1907 within such periods not exceeding sixty years as may be prescribed by the Minister with whose sanction such moneys are borrowed and the revenue fund or rate chargeable for any moneys so borrowed shall be such as that Minister shall prescribe.

(5) The provisions of this section 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."

As to
repayment
of moneys.

126. The sums required for payment of interest on or for or towards repayment of moneys borrowed on mortgage under this Act shall be payable out of the revenue of the undertaking of the Corporation for which such moneys are borrowed and if and so far as that revenue proves insufficient the borough fund and borough rate.

Incorporation of
certain
financial
provisions.

127. The provisions contained in the sections of the Act of 1897 and the Birkenhead Corporation Act 1914 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if they were re-enacted in this Act (that is to say):—

The Act of 1897—

Section 48 (Repayment of moneys hereafter borrowed under existing powers);

Section 49 (General provisions as to sinking funds);

Section 51 (Annual return to Local Government Board); A.D. 1923.

Section 58 (Application of certain provisions of Act of 1881):

The Birkenhead Corporation Act 1914—

Section 12 (Mode of raising money);

Section 15 (Power to borrow under Local Loans Act 1875);

Section 16 (Power to re-borrow);

Section 17 (Application of money borrowed);
and

Section 18 (Audit of accounts):

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

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

128. Notwithstanding anything in this or any other Act contained it shall not be obligatory upon the Corporation to commence the repayment of moneys borrowed by them under the powers of this Act (a) for the purchase of lands and easements for and for the construction of the waterworks by this Act authorised or (b) for the construction of the waterworks authorised by the Act of 1907 until the works for or in respect of which such money is borrowed are respectively brought into use or until the expiration of five years from the date or dates of borrowing whichever shall be the earlier.

Suspension
of payment
into certain
sinking
funds.

129.—(1) Notwithstanding anything contained in any other Act relating to the Corporation where the Corporation have from time to time any statutory borrowing power they may 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
purposes.

(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

A.D. 1923. — the Corporation and may be made in the form contained in the First 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.

(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 the 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 interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the First Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(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 penalty not exceeding twenty pounds.

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

Power to invest all sinking funds in statutory securities.

A.D. 1923.

—
Use of
moneys
forming
part of
sinking
and other
funds.

131. Notwithstanding anything contained in this or any other Act the Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund loans fund redemption fund reserve fund or insurance fund of the Corporation (in this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions:—

- (a) The moneys so used shall be repaid to the lending fund by equal yearly or half-yearly instalments of principal or of principal and interest combined within the period and out of the fund rate or revenue within and out of which a loan raised under the statutory borrowing power would be repayable;
- (b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power;
- (c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

Application
of revenues
of under-
takings.

132. Notwithstanding any enactment relating to the application of the revenue of the tramway water gas electricity or ferries undertakings of the Corporation the Corporation may (if they think fit) apply money received by them on account of the revenue of any of such undertakings in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertaking and in the provision of funds for working capital:

Provided that money shall only be so applied after the working and establishment expenses of the under-

taking and the interest and sinking fund payments in respect thereof have been provided for. A.D. 1923.

133. Notwithstanding anything contained in any other Act relating to the Corporation any deficiency in any year of the income of the tramways undertaking the gas undertaking the electricity undertaking and the ferries undertaking of the Corporation may be charged upon and payable out of the borough rate. As to deficiencies in revenue of certain undertakings.

134. 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. Expenses of execution of Act.

PART XII.

MISCELLANEOUS.

135.—(1) The agreement made the twenty-fifth day of June one thousand nine hundred and fifteen between the mayor aldermen and burgesses of the county borough of Birkenhead of the one part and the Hoylake and West Kirby Gas and Water Company Limited (who and whose successors are in this section referred to as “the company”) of the other part (which defines the limits for the supply of gas and water by the said parties respectively in the parish of Bidston) set forth in the Second Schedule to this Act is hereby confirmed and made binding on the Corporation and the company. Confirmation of agreement as to gas and water limits.

(2) The areas referred to in the said agreement and in this section as “the red area” “the blue area” and “the yellow area” respectively are shown upon the map signed in duplicate by Sir Thomas Robinson the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one of which has been deposited in the Parliament Office of the House of Lords and the other in the Private Bill Office of the House of Commons.

(3) The red area shall cease to form part of the limits for the supply of gas and water by the company the blue area shall cease to form part of the limits of the Corporation for the supply of gas and of the company for the supply of water and the yellow area shall cease to form part of the limits for the supply of gas and water by the Corporation and notwithstanding anything contained in

A.D. 1923. subsection (1) of section 22 (For protection of Henry Frederic Clare Vyner) of the Gas and Water Act 1881 the Corporation shall not be required to supply any water within any part of the yellow area.

Notice to
discontinue
supply of
gas or
electricity.

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

(2) Notice of the effect of this section shall be endorsed upon any demand note for charges for gas or electricity.

Expense
of recon-
necting dis-
continued
supply of
gas or
electricity.

137. In any case in which in consequence of any default on the part of the occupier of any premises the Corporation have under any powers of the Corporation in that behalf lawfully cut off the supply of gas or electricity to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Corporation the reasonable expenses of re-connecting the supply and the Corporation shall not be under any obligation to supply gas or electricity (as the case may be) to such occupier until he shall have paid such expenses.

Period of
error in
defective
gas or
electricity
meters.

138.—(1) In the event of any meter—

(a) used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act; or

(b) used by any consumer of electricity of a construction and pattern approved by the Board of Trade or Minister of Transport 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.

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

electricity as the case may be are recoverable by the Corporation. A.D. 1923.

139. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of any tramway of the Corporation by mechanical power or for the purposes of the electricity undertaking :

Attachment
of brackets
&c. to
buildings.

Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) :
- (3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building :
- (4) No brackets wires or apparatus shall be attached to any building belonging to the Dock Board without the consent in writing of the Dock Board.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and

A.D. 1923. in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.
—

For further protection of certain railway companies.

140. In the exercise by the Corporation of the powers conferred by the sections of this Act of which the marginal notes are " Powers in relation to water mains " " Power to lay water pipes in private streets " " Detection of waste " and " Power to lay gas pipes in private streets " the provisions of section 51 (For the protection of the Birkenhead Railway and Works) of the Gas and Water Act 1881 shall so far as applicable in each case apply and have effect for the protection and benefit of the London Midland and Scottish Railway Company and the Great Western Railway Company as if the same were re-enacted in this Act and any difference which may arise between the parties under that section shall be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

Further powers for acquisition of lands.

141.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any moneys so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

(2) The Corporation may enter into contracts for the purposes of this section and may pay any sum payable under the contract and for that purpose may borrow money temporarily from their bankers for a period not exceeding twelve months.

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

tion all expenses incurred by the Corporation under this section shall be payable out of the borough fund and borough rate.

A.D. 1923.

142. Notwithstanding anything in any other Act or Acts to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act from time to time in force in the borough (other than the Housing Acts 1890 to 1919) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Provided that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

Power to
retain sell
&c. lands.

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

Proceeds
of sale of
surplus
lands.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall

A.D. 1923. — be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

Power to utilise public baths for other purposes.

144. Where any public baths or washhouses erected or provided by the Corporation are in the opinion of the Corporation not required for the purpose for which they were originally erected or provided the Corporation may if they think fit resolve to appropriate such baths or washhouses to any other public purpose or may sell or lease the same on such terms and conditions as they think fit subject to the provisions of sections 108 and 109 of the Municipal Corporations Act 1882 as amended by section 72 of the Local Government Act 1888 and those sections shall apply accordingly.

Power to set apart baths for working classes.

145. Notwithstanding anything contained in the Baths and Washhouses Acts 1846 to 1899 the number of baths at any establishment to be set apart for the use of the working classes shall be such number as having regard to the demand the Corporation deem to be a reasonable proportion for the time being of the total number of baths at that establishment.

Charges for use of baths and washhouses.

146. Notwithstanding anything contained in the Baths and Washhouses Acts 1846 to 1899 the Corporation may make such reasonable charges for the use of any baths swimming baths and washhouses as they think fit.

Power to Corporation to subscribe to hospitals &c.

147. The provisions of section 131 of the Public Health Act 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary nursing institution dispensary or other institution of a similar character such sum or sums as they may from time to time think fit not exceeding in any year the amount which would be produced by the levying of a borough rate of one penny in the pound and to charge the amount of any such subscriptions to or apportion the same among all or any of their funds and revenues.

Bands in recreation grounds.

148.—(1) The Corporation may pay or contribute towards the payment of bands of music for the purpose of entertainment in any recreation ground for the time being vested in the Corporation and suitable for the purpose.

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(2) The Corporation may in any such recreation ground enclose an area for the purpose of such entertainment as aforesaid.

(3) The Corporation may make such charges as they think fit for admission to any such enclosure as aforesaid in connection with any such entertainment and may make byelaws for securing good and orderly conduct during any such entertainment.

(4) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any entertainment given in pursuance of this section.

(5) 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 entertainment given in pursuance of this section.

(6) All expenses of 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 farthing in the pound levied on the property in the borough assessable in that year to the borough rate.

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

Service of
summons
on members
of council.

150. Save where otherwise provided by this Act 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 all byelaws made by the Corporation under the powers of this Act.

Confirma-
tion of
byelaws.

151.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may

Inquiries by
Minister of
Health.

A.D. 1923.

deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the said inspectors shall for the purposes of any such inquiry have all such powers as inspectors of the Minister of Health have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

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

(3) Section 67 (Inquiries by and expenses of Local Government Board) of the Act of 1897 and Article X. (Inquiries and expenses) of the Birkenhead Order 1905 shall be read and have effect as if the Minister of Health were referred to therein in lieu of the Local Government Board and as if the words "not exceeding five guineas a day" were inserted therein in lieu of the words "not exceeding three guineas a day."

As to
appeal.

~~152.~~ 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 or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under this Act may if no other mode of appeal is provided appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Protection of
Corporation and
officers from
personal
liability.

153. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any enactment from time to time in force within the borough.

Evidence of
appoint-
ments
authority
&c.

154. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the Corporation under any enactment from time to time in force within 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 of 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.

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155. Where under any enactment from time to time in force within the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose ~~any breach of any~~ such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of any act or thing without the required consent.

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

156. 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 or in pursuance of Parts VI. VII. and VIII. of this Act or Part III. of the Birkenhead Improvement Act 1884 or Part VIII. of the Birkenhead Corporation Act 1891 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.

157.—(1) Where any notice or demand under any enactment byelaw or regulation from time to time in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

Authentica-
tion and
service of
notices &c.

A.D. 1923.

(2) Notices demands orders and other documents required or authorised to be served under any such enactment byelaw or regulation may be served in the same manner as notices under the Public Health Act 1875 are by section 267 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.

Recovery of penalties &c.

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

Recovery of demands.

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

Several sums in one summons.

160. 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.

Informations by whom to be laid.

161. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or the local Acts 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.

Saving for indictments &c.

162. 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.

A.D. 1923.

163. A judge of any court or a justice shall not be disqualified from acting in the execution of any enactment from time to time in force within the borough by reason of his being liable to any rate.

Judges not
disqualified.

164. 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 fine (other than a daily fine for a continuing offence) for the commission of the same offence.

Powers of
Act cumu-
lative.

165. The following enactments are hereby re-
pealed:—

Repeal of
miscel-
laneous
provisions.

The Act of 1881—

- Section 196 (Recovery of money by distress);
- Section 317 (Several sums in one summons);
- Section 318 (Judges not disqualified);
- Section 335 (Form and service of notices by Corporation):

The Gas and Water Act 1881—

- Section 48 (Recovery of money by distress);
- Section 49 (Several sums in one summons);
- Section 50 (Form and service of notice by Corporation):

The Act of 1899—

- Section 35 (Power to retain sell &c. lands):

The Birkenhead Corporation Act 1902—

- Section 14 (Power to retain sell &c. lands);
- Section 15 (Application of moneys arising from sale of surplus lands); and
- Section 26 (Power to contribute to bands of music).

A.D. 1923.

Crown
rights.

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

Costs of
Act.

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

The SCHEDULES referred to in the
foregoing Act.

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THE FIRST SCHEDULE.

FORM OF MORTGAGE.

COUNTY BOROUGH OF BIRKENHEAD.

By virtue of the Birkenhead Corporation Act 1923 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the county borough of Birkenhead (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation (which expression includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation) as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ 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 in the said borough [(subject as hereinafter provided) on the _____ day of _____ one thousand nine hundred and _____] [by _____]:


Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the

A.D. 1923.

THE SECOND SCHEDULE.

THIS AGREEMENT made the twenty-fifth day of June one thousand nine hundred and fifteen between the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF BIRKENHEAD (hereinafter called "the Corporation") of the one part and the HOYLAK AND WEST KIRBY GAS AND WATER COMPANY LIMITED (hereinafter called "the Company") of the other part.

Stamp.


 Ten
Shillings.

WHEREAS the parties hereto have concurrent powers of supplying gas and water in the red blue and yellow areas hereinafter mentioned :

And whereas the Company is applying to Parliament for extended borrowing powers and the Corporation is opposing such application :

And whereas the Corporation has agreed to withdraw such opposition upon the terms hereinafter contained :

Now it is hereby agreed by and between the parties hereto as follows :—

1. The Company releases—

(a) its rights and powers to supply gas and water within such part of the parish of Bidston in the county of Chester as is coloured red upon the plan which has been prepared for the purposes of this agreement and has for the purposes of identification been signed by James Fearnley on behalf of the Corporation and by John Hamer Kenion on behalf of the Company (hereinafter called "the red area");

(b) its rights and powers to supply water within such part of the said parish as is coloured blue upon the said plan (hereinafter called "the blue area");

to the intent that the limits of supply of the Company specified in section 5 of the Company's Provisional Order 1878 shall as regards gas and water exclude the red area and shall as regards water exclude the blue area and that the Corporation shall have the exclusive right of supplying gas and water within the red area and water within the blue area.

2. The Corporation releases—

(a) its rights and powers to supply gas within such part of the said parish as is coloured blue upon the said plan (hereinafter called "the blue area"); and

A.D. 1923.

(b) its rights and powers to supply gas and water within such part of the said parish as is coloured yellow upon the said plan (hereinafter called "the yellow area");

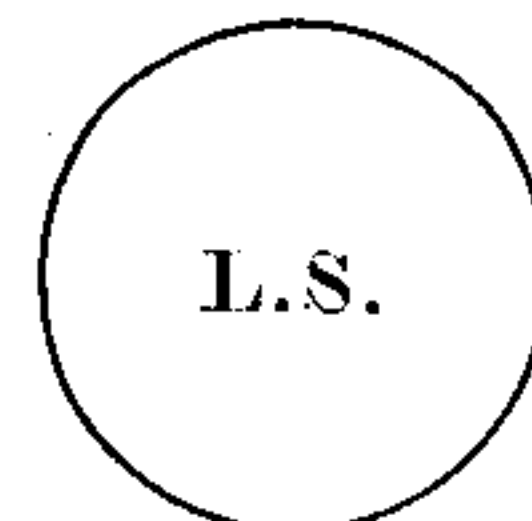
to the intent that the limits of supply of the Corporation (whether as successor of the Birkenhead and Claughton Gas and Water Company or otherwise) shall as regards gas exclude the blue area and shall as regards gas and water exclude the yellow area and that the Company shall have the exclusive right to supply gas within the blue area and gas and water within the yellow area.

3. Each of the parties hereto will use its best endeavours to obtain the sanction of Parliament to this agreement at the earliest available opportunity and the Corporation will forthwith withdraw its opposition to the Company's application to Parliament hereinbefore recited.

In the event of the Company being unable to obtain the sanction of Parliament to this agreement in the present session the Company shall raise no objection to the Corporation applying for the sanction of Parliament thereto in any Bill which the Corporation may hereafter promote unless the Company shall have previously obtained the sanction of Parliament thereto in a Bill promoted by the Company.

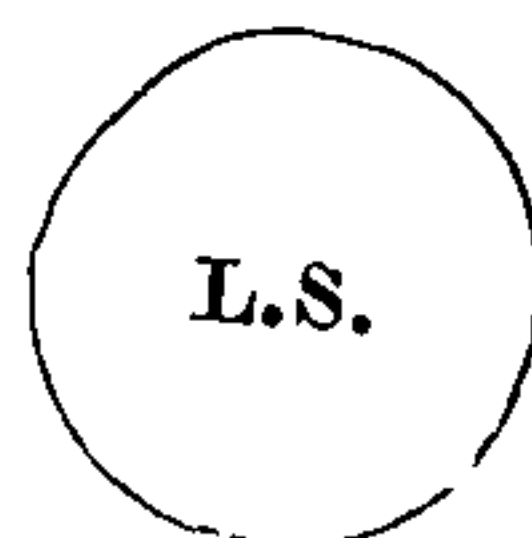
In witness whereof the parties hereto have affixed their common seals the day and year first above written.

The common seal of the mayor
aldermen and burgesses of the
county borough of Birkenhead was
hereunto affixed in the presence of



A. H. ARKLE
Mayor.

The common seal of the Company
was hereunto affixed in the presence
of



ALFRED TYRER }
JAMES MAWDSLEY } Directors.
ARTHUR GEO. READY Secretary.

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FOR

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