



## CHAPTER lxxiv.

An Act to empower the Thornton Urban District Council to construct a promenade street works a jetty and other works to make further provision with regard to the health improvement and good government of the district the assessment and levying of rates and for other purposes. A.D. 1923.  
[31st July 1923.]

WHEREAS the urban district of Thornton (in this Act called "the district") is under the local government of the Thornton Urban District Council (in this Act called "the Council"):

And whereas it is expedient to empower the Council to construct the promenade street improvements jetty and other works and to exercise the other powers referred to in this Act:

And whereas by an Act 39 Geo. III. c. 57 (in this Act called "the Thornton Marsh Act 1799") certain commissioners were appointed for dividing allotting and inclosing a tract of common waste and marsh grounds within the parishes of Poulton and Bispham called Thornton Marsh and for putting the said Act in execution subject to the rules orders and directions therein mentioned And by their award dated the eleventh day of August eighteen hundred and six the said commissioners (inter alia) awarded ordered directed and appointed that a new clough or floodgate to be called "the New Hillylaid Clough" through which the water of a certain rivulet on the said common waste and marsh grounds called "the Hillylaid Pool" was intended to pass into the River Wyre and an embankment therein described

A.D. 1923.    on each side of the said clough and also an embankment or sea fence on the western side of the said common waste and marsh grounds next adjoining the sea shore to be called the "sea shore embankment" should be made erected and built by and at the expense of the several persons therein referred to in such shares proportions manner and form as is therein indicated And it was further awarded ordered directed and appointed that the said new clough and embankments should be kept up maintained and repaired by and at the expense of the several persons to and amongst whom the common and marsh grounds were respectively allotted their heirs and assigns (except as therein mentioned) in the rates or assessments specified and set forth in the reference to a map or plan annexed to the said award And it was further awarded directed and appointed that Bold Fleetwood Hesketh his heirs and assigns owners of Rossall Hall for the time being or such persons as he or they should direct or appoint should be from time to time and at all times for ever thereafter the surveyor or surveyors superintendent or superintendents of the said works and the collector or receiver or collectors or receivers of the said rates or assessments :

And whereas the corporation of Rossall School as successors of the said Bold Fleetwood Hesketh are now the surveyors of the said works the greater part of which are situate in the district and the collectors of the rates and assessments made in respect thereof and it is expedient that the property rights powers duties and liabilities of the said corporation of Rossall School in respect of the said works should be transferred to the Council :

And whereas by an order made by the Inclosure Commissioners for England and Wales in pursuance of the Land Drainage Act 1861 dated the twenty-third day of January eighteen hundred and seventy-nine and confirmed by the Land Drainage Supplemental Act 1879 the lands delineated on the map therein referred to and intituled the Bispham Carlton and Thornton separate drainage district map were constituted a separate drainage district and provision was made with respect to the drainage board for that district :

And whereas the greater part of the said drainage district is situate in the district and in the borough of

Blackpool and it is expedient to make provision for the transfer to the Council of the property powers rights duties and liabilities of the said drainage board: A.D. 1923.

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

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

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

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

For the purchase of foreshore rights and land for and the construction of the promenade new streets and roads the widening and improvement of streets and roads and the footpath Work No. 13 authorised by this Act - - - -	£ 85,297
For the purchase of land for and the construction of Works Nos. 10 11 and 12 authorised by this Act - - - -	3,707
For the purchase of land for and the construction of the jetty or landing stage Work No. 14 authorised by this Act -	350

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

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act and of the lands upon which improvement rates or charges are imposed by this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster 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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May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Thornton Urban District Council Act 1923.

Division of  
Act into  
Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Regulation of promenade and improvement rate.

Part V.—Powers with regard to drainage.

Part VI.—Streets buildings and sanitary provisions.

Part VII.—Financial and miscellaneous provisions.

Incorporation of Acts.  
the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

3. The following Acts and parts of Acts (so far as

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

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

(ii) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section;

(b) The Harbours Docks and Piers Clauses Act 1847 except sections 14 to 19 26 and 77,

Provided that the following expressions used in the Harbours Docks and Piers Clauses Act 1847 shall have the following respective meanings (that is to say):—

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The expressions “packet boat” and “post office packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression “post office bag of letters” means a mail bag as defined by the same Act:

Provided also that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

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

Interpreta  
tion.

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

“The district” means the urban district of Thornton;

“The Council” means the Thornton Urban District Council;

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

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

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

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

“The borough” means the borough of Blackpool;

“The appointed day” means the first day of January nineteen hundred and twenty-four;

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

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

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

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

“The Act of 1906” means the Thornton Urban District Council Gas Act 1906.

PART II.

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LANDS.

5.—(1) Subject to the provisions and for the purposes of this Act the Council may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference and in connection with the purposes of Part III. (Works) of this Act for providing space for the erection of buildings adjoining or near to any street road or promenade the construction widening or improvement of which is authorised by this Act. Acquisition of lands.

(2) The Council may also enter upon take and use all or any part of the foreshore delineated on the deposited plans and described in the deposited book of reference and situate between high and low water marks of ordinary tides.

6. For the protection of the trustees of the will of Richard Silcock deceased (in this section referred to as "~~the trustees~~") the following provisions shall unless otherwise agreed in writing between the trustees and the Council have effect (that is to say).— For protection of trustees of will of Richard Silcock deceased.

Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not otherwise than by agreement enter upon take or use any portion of the lands and foreshore numbered 111 112 and 114 on the deposited plans which is situate between an imaginary line drawn from east to west one hundred and fifty feet north of the northerly wall of the trustees' Bone Mill No. 120 on the  $\frac{1}{2500}$  Ordnance survey map Lancashire sheet number XLIII.—14 (edition 1912) and an imaginary line drawn from east to west one hundred and fifty feet south of the southerly wall of the said Bone Mill.

7. For the protection of the Poulton-le-Fylde Urban District Council (in this section referred to as "~~the Poulton Council~~") the following provisions shall unless otherwise agreed in writing between the Poulton Council and the Council have effect (that is to say):— For protection of Poulton-le-Fylde Urban District Council.

Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not enter upon take or use any portion of the

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lands coloured red or blue on the plan signed in duplicate by John Robert Gaulter on behalf of the Poulton Council and Richard Bowman on behalf of the Council and upon which lands coloured red or some part thereof the outfall sewer of the Poulton Council is constructed and the said lands coloured blue shall be used only as an occupation way.

For protection of  
Rossall  
Beach  
Estate  
Limited.

8. Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not enter upon take or use any lands or foreshore now owned by the Rossall Beach Estate Limited (who and other the owner and owners for the time being of such lands and foreshore are in this section referred to as and included in the expression "the company") or any estate or interest of the company in any such lands or foreshore except with the consent in writing of the company.

Period for  
compulsory  
purchase of  
lands.

9. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Correction  
of errors in  
deposited  
plans and  
book of  
reference.

10. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county palatine of Lancaster for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and the clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be

lawful for the Council to take the lands and execute the works in accordance with such certificate. A.D. 1923.

11.—(1) Whereas in the construction of the works authorised by this Act or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

Owners may be required to sell parts only of certain lands and buildings.

(a) The owner of and persons interested in any of the properties numbered 41 to 114 inclusive on the deposited plans whereof a portion only is required for the purposes of the Council or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the said properties":

(b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the said properties the owner shall fail to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(c) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the said property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the

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- portion over which the Council have compulsory powers of purchase) can be so severed:
- (d) If the tribunal determine that the portion of the said property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Council the portion so determined to be so severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
  - (e) If the tribunal determine that the portion of the said property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
  - (f) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
  - (g) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the

tribunal shall having regard to the circumstances of the case and their final determination think fit.

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(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the said properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

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

Compensation in case of recently acquired interest.

**13.—**(1) The Council may in lieu of acquiring any lands for the purposes of the Works Nos. 10 11 12 13 and 14 authorised by this Act (including the works and conveniences authorised by the section of this Act whereof the marginal note is "Subsidiary works") acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements describing the nature thereof and the rights which the Council require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act 1919 shall

Acquisition of easements.

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A.D. 1923.      —      apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

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

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

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

Purchase of  
additional  
lands by  
agreement.

**14.**—(1) Subject to the provisions of this Act the Council in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but (except with the consent of the Minister of Health) the quantity of lands held by the Council in pursuance of this section shall not at any time exceed ten acres.

(2) Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands.

Persons  
under  
disability  
may grant  
easements  
&c.

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

grants and to such easements rights and privileges as A.D. 1923.  
aforesaid respectively.

**16.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale 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 other local Act for the time being in force in the district and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effecting any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to retain sell &c. lands.

**17.—(1)** So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or under any other powers and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act or any other Act under which such loans have been raised except to such extent and upon such terms as may be approved by the Minister of Health.

Proceeds of sale of surplus lands.

(2) Provided that—

- (a) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase;
- (b) The borrowing powers conferred by this Act for the purpose of such purchase shall be

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reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Any capital moneys received by the Council under the section of this Act of which the marginal note is "Power to retain sell &c. lands" on the re-sale or exchange of or by leasing any lands acquired under any local Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

Extinction  
of private  
rights of  
way.

**18.**—(1) All private rights of way over any lands which the Council are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Council be extinguished.

(2) Provided that the Council shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

### PART III.

#### WORKS.

Power to  
construct  
promenade  
and street  
and other  
works.

**19.**—(1) Subject to the provisions of this Act the Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter referred to together with all necessary or proper works improvements junctions connections approaches embankments retaining walls sewers drains and conveniences connected therewith or incident thereto.

(2) The works hereinbefore referred to and authorised by this section will be situate in the district and are—

Work No. 1 A promenade sea wall and embankment (being part of the promenade sea wall and embankment (Work No. 1) as shown on the deposited plans) on or adjoining the foreshore commencing at the southerly boundary of the district and terminating at the boundary between the enclosures numbered 29 and 30 on the deposited plans :

- Work No. 3    A new street commencing in Station Road opposite the Bay Horse Hotel and terminating at the junction of Tarn Road and New Road: A.D. 1923.
- Work No. 4    An improvement of Tarn Road on both sides and a new street in continuation of Tarn Road in an easterly direction commencing at the termination of Work No. 3 and terminating by a junction with Skippool Road opposite the field footpath leading to Woodhouse Road:
- Work No. 5    A widening and improving of Skippool Road on the easterly side from the footpath leading to Woodhouse Road to the tradesmen's entrance to Thornton Hall:
- Work No. 6    A widening and improvement of Skippool Road on the easterly side from a point 35 yards or thereabouts south of the south-westerly corner of the said tradesmen's entrance to Thornton Hall to a point 4 yards or thereabouts south-west of the south-westerly corner of the entrance drive to Primrose Hill:
- Work No. 7    A widening and improvement of Skippool Road on the easterly side from a point 76 yards or thereabouts north of the bench mark on the northerly approach of Skippool Clough Bridge to a point 10 yards or thereabouts east of the same bench mark:
- Work No. 8    A widening and improvement of Skippool Road on the westerly side from a point opposite the footpath leading to Woodhouse Road to a point 130 yards or thereabouts south-east of the said point:
- Work No. 9    A widening and improvement of Skippool Road on the westerly side from a point 30 yards or thereabouts west of the north-westerly corner of the tradesmen's entrance to Thornton Hall to a point 27 yards or thereabouts north-west of the bench mark on the northerly approach of Skippool Clough Bridge:
- Work No. 10   A drain dyke or watercourse from Holmes Pool to the embankment on the westerly side of the River Wyre:
- Work No. 11   A drain dyke or watercourse with tidal sluice gates commencing at the termination of Work No. 10 hereinbefore described and terminating in the channel of the River Wyre:

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Work No. 12 An improvement of the existing New Hillylaid Clough or sluice gates now known as Stanah Clough being the construction of new conduits through the said embankment on the westerly side of the River Wyre with new tidal sluice gates :

Work No. 13 A footpath along the westerly bank of the River Wyre from a point 200 yards or thereabouts north-west of Stanah Clough to Underbank Road :

Work No. 14 A jetty or landing stage at the Ferry known as Wardley's Ferry in substitution for the existing jetty commencing at the embankment on the westerly side of the River Wyre at a point opposite the commencement of the field footpath leading to Stanah Road and extending for about 6 chains into the said river.

Limits of  
deviation.

**20.**—(1) In the construction of the works authorised by this Part of this Act the Council may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding three feet either upwards or downwards.

(2) Provided that no deviation either lateral or vertical shall be made below high-water mark without the consent in writing of the Board of Trade.

Subsidiary  
works.

**21.**—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Council may in connection with the promenade street works footpath and jetty authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said works or any of them and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works or any of them and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe or electricity or telephone wire or apparatus within the said limits the Council providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or

water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section. A.D. 1923.

(2) Provided that the Council shall not alter divert or otherwise 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.

**22.** If Work No. 1 is not completed within fifteen years from the passing of this Act and if Works Nos. 10 11 12 and 14 are not completed within seven years from the passing of this Act then on the expiration of those periods respectively the powers granted by this Part of this Act for the making thereof respectively shall cease except as to so much thereof respectively as shall then be completed: Period for completion of works.

Provided that the Council may reconstruct or renew any part of the said works.

**23.** For the protection of the United Alkali Company Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Council have effect (that is to say):— For protection of United Alkali Company Limited.

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not otherwise than by agreement enter upon take or use any portion of the lands and foreshore numbered 109 and 110 on the deposited plans which is situate between the northern boundary of the district and a line drawn in continuation north-eastwards of the hedge dividing the fields or enclosures numbered 382 and 384 on the  $\frac{1}{2500}$  Ordnance survey map Lancashire sheet XLIII—10 (edition 1912) or the jetty thereon or any easement in or over such lands foreshore or jetty:

(2) The Council shall not enter upon take or use the lands embankment salt marsh and foreshore numbered 115 116 and 117 on the deposited plans or any easement in or over the same or commence the construction of Works Nos. 10 and 11 by this Act authorised until

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Work No. 12 by this Act authorised has been completed and in operation for two years :

- (3) If at the termination of the said period of two years the said Work No. 12 does not in the opinion of the Council satisfactorily provide an outflow into the River Wyre for the water naturally and properly draining into and along the streams or watercourses known as Hilly-laid Pool and Holmes Pool and if after consultation with the company the Council are of opinion that the said Work No. 12 cannot reasonably be altered so as satisfactorily to provide such an outflow then the Council shall be at liberty to give written intimation thereof to the company and may enter upon take and use the lands embankment salt marsh and foreshore numbered 115 116 and 117 on the deposited plans (or easements or rights only in or over the same) in accordance with the provisions of this Act and proceed with the construction of the said Works Nos. 10 and 11 subject to the conditions hereinafter contained (that is to say) :—

The said works shall be constructed by the Council in accordance with plans sections and particulars to be submitted to and reasonably approved by the company or failing approval within twenty-eight days after such submission in accordance with plans sections and particulars to be settled by arbitration as hereinafter provided and in the latter event the arbitrator shall make such provision in such plans sections and particulars as he may deem effective for the protection of the pipes of the company under the River Wyre and for the protection of the lands and property of the company at their Fleetwood Works as subsisting at the date of the completion of the said Work No. 12 against damage by reason of the construction of the said Works Nos. 10 and 11 and for the prevention of any alteration of the course of the channels of the River Wyre which he may be of opinion might be occasioned by the said Works Nos. 10

and 11 and the expense necessitated by the carrying out of any incidental works for the purpose of securing such protection and preventing any alteration of the River Wyre in consequence of the construction of the said Works Nos. 10 and 11 shall be borne by the Council :

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- (4) If any difference arises between the Council and the company in respect of any matters under this section such difference shall unless otherwise agreed be settled by the arbitration of an engineer to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

**24.** Notwithstanding anything contained in this Act or shown on the deposited plans and sections the following provisions for the protection of the Fylde Water Board (in this section referred to as "the board") shall unless otherwise agreed between the Council and the board have effect (that is to say):—

For protec-  
tion of  
Fylde  
Water  
Board.

- (1) The board are hereby empowered if they deem necessary by reason of any works or improvements of the Council authorised by this Act to alter the situation of or relay any water mains valves hydrants and appliances and to provide and lay where reasonably necessary any substituted water mains in order to maintain the supply of water during the construction of such works or improvements and the Council shall pay to the board the cost of such alteration and relaying or the provision and laying of substituted mains after credit shall have been given to the Council for the value of the material thrown into disuse :
- (2) The Council shall give the board fourteen days notice before the commencement of any of the works or improvements authorised by this Act :
- (3) Where any of the works or improvements of the Council authorised by this Act and referred to in any such notice in the opinion of the board affect the works of the board the Council shall

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on demand made to them in writing supply the board's engineer with a plan showing the works or improvements to be carried out whereupon the board shall if possible within fourteen days and in any event within twenty-one days of the receipt of the said plan supply to the Council a plan showing the alteration and relaying of water mains valves hydrants and appliances and for the laying of substituted mains required to be carried out by the board and such alterations and the laying of substituted mains (if required) shall be commenced not earlier than three days after the receipt by the Council of the plan showing the same and shall be completed by the board with all reasonable dispatch after the commencement thereof :

- (4) The board are hereby empowered if they deem necessary by reason of any works or improvements of the Council authorised by this Act to alter or relay any service pipes and remove stop-cocks stopcock-boxes meters and meter-boxes from their present positions to similar positions on the new line of footpath and the Council shall pay to the board the cost of such alteration or relaying :
- (5) The Council shall make compensation to the board for any damage done to the water mains valves hydrants service pipes stopcocks stopcock-boxes meters and meter-boxes and other appliances belonging to the board by reason or in consequence of the works and improvements of the Council authorised by this Act :
- (6) If any difference shall arise between the Council and the board as to the meaning or intent of anything herein contained or as to anything done by either of them or as to the fact of damage to any property of the board and the compensation payable by the Council in respect thereof the same shall be referred to and determined by an engineer to be agreed on between the Council and the board or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the pro-

visions of the Arbitration Act 1889 shall apply to any such reference. A.D. 1923.

**25.** For the protection of the corporation of Rossall School or other the owner or owners for the time being of the lands now comprising Rossall Preparatory School and the premises held in connection therewith (all of whom are in this section referred to as and included in the expression "the corporation") the following provisions shall unless otherwise agreed in writing between the corporation and the Council have effect (that is to say):—

For protection of corporation of Rossall School.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not acquire any lands of the corporation or any estate or interest of the corporation in any such lands:
- (2) Notwithstanding anything contained in the section of this Act of which the marginal note is "Part of expenditure of promenade works to be provided by improvement rate" the corporation shall not be liable for or be required to pay or contribute towards any such improvement rate as is referred to in that section:
- (3) The Council shall not place or authorise any person or persons to place on the promenade any shelter lavatory or sanitary convenience at any point within fifty yards of the northern end of the promenade as authorised by this Act.

**26.** Nothing in this Act contained or anything done thereunder shall diminish prejudice or affect any rights or privileges of drainage into the River Wyre exercised by the Poulton-le-Fylde Urban District Council at the passing of this Act.

Saving for Poulton-le-Fylde Urban District Council.

**27.** Within the limits of deviation shown on the deposited plans the Council may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains and the pipes or wires for the purpose of conveying water gas or electricity to any house or other place and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public

Power to alter steps areas pipes &c.

A.D. 1923. — Health Act 1875 shall apply as if the acts done under the authority of this section were done in the exercise of the powers of that Act.

Temporary  
stoppage  
of streets.

**28.**—(1) The Council during the execution of the powers of this Act may break up and also temporarily stop up and interfere with any street for the purpose of executing such powers and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along or using the same.

(2) The Council shall provide reasonable access for foot passengers bonâ fide going to or returning from any such house and reasonable access both for vehicular and pedestrian traffic to any station or depôt of a railway company near to which any works are in course of execution under the powers of this Act.

Dues rates  
and charges  
for landing  
stage.

**29.**—(1) The Council may demand and take in respect of vessels or persons using and of animals goods and articles shipped or unshipped or loaded or delivered at the jetty authorised by this Part of this Act and in respect of conveniences provided or services performed by the Council thereat such dues rates and charges as may from time to time be approved by the Minister of Transport.

(2) The Council shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their jetty undertaking.

Inquiries by  
Minister of  
Transport.

**30.** In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I. of the Board of Trade Arbitration &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.”

#### PART IV.

#### REGULATION OF PROMENADE AND IMPROVEMENT RATE.

Shelters  
seats or

**31.** The Council may place or authorise any person or persons to place shelters with or without lavatories and

sanitary conveniences seats or chairs for the use of the public on the promenade (Work No. 1) authorised by this Act (in this Part of this Act called "the promenade") and in any street highway park recreation ground or pleasure ground or other public place and upon land adjoining the promenade or streets highways and public places or on the seashore in the district and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of shelters seats and chairs and for preventing injury or damage thereto.

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—  
 chairs  
 may be  
 provided.

**32.** For the purposes of police and of the Vagrancy Acts the promenade shall be deemed to be a street and public place and the powers and duties of all police constables in relation to public safety and preservation of order decency and protection of property shall extend thereto.

Promenade  
 to be  
 deemed  
 street  
 for police  
 purposes.

**33.** From and after the passing of this Act it shall not be lawful upon the promenade or upon any portion thereof. to deliver utter or read aloud any public speech lecture address discourse or other matter of any kind or description whatsoever or to sing any sacred or secular song or to enter into any public discussion maintaining the right to deliver utter or read aloud any public speech lecture discourse address or other matter or to hold or cause or take part in any public assemblage or without the consent of the Council to play any musical instrument Any person offending against the provisions of this section shall be subject to a penalty not exceeding forty shillings and it shall also be lawful for any constable or any officer of the Council to remove from the promenade any person so offending.

Prohibiting  
 public  
 speeches  
 &c. on  
 promenade.

**34.** No person shall hawk offer or expose for sale or sell any goods wares merchandise or things whatsoever on the promenade and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings to be recovered summarily.

Prohibiting  
 sales on  
 promenade.

**35.** The Council may from time to time make byelaws for regulating the use of the promenade and seashore and for preventing nuisances and obstructions thereon or on the immediate approaches thereto or for any of those purposes.

Power to  
 make bye-  
 laws as to  
 promenade  
 and sea-  
 shore.

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—  
Part of  
expenditure  
of prome-  
nade works  
to be  
provided by  
improve-  
ment rate.

**36.**—(1) For defraying part of the expenditure of the Council of and incident to the construction of the promenade the owners for the time being of the respective lands (whether respectively occupied or unoccupied) comprised in the area which will be situate between the easterly side of the promenade and a line fifty yards east thereof shall throughout the period during which the Council are required to pay interest upon and to provide for the payment of money borrowed for the construction of the said work pay to the Council an improvement rate to be ascertained in the manner provided by this section.

(2) The total amount of the improvement rate to be paid under this section shall be ascertained as follows:—

In every year during the first five years of the period referred to in subsection (1) of this section the amount to be paid shall be equal to one quarter of the sums payable in that year by the Council for interest upon and for the repayment of money borrowed for the purposes aforesaid:

In every year during the next ten years of the said period the amount to be paid shall be equal to one third of the sums payable in that year by the Council for such interest and repayment:

In every year during the next fifteen years of the said period the amount to be paid shall be equal to one half of the sums payable in that year by the Council for such interest and repayment:

In every year during the remaining years of the said period the amount to be paid shall be equal to two thirds of the sums payable in that year by the Council for such interest and repayment.

The improvement rate to be paid by each owner shall bear to such total amount the same proportion as the extent of his lands situate within the area mentioned in subsection (1) of this section bears to the extent of the whole of that area. The amount of the improvement rate ascertained in accordance with this subsection shall be certified by the surveyor.

(3) The improvement rate shall be payable on the first day of July in every year.

(4) The improvement rate shall be a charge on the said lands and be recoverable in the same manner and with the same incidents as private improvement expenses

and private improvement rates are charged and recover- A.D. 1923.  
able under the provisions of the Public Health Acts or  
may at the option of the Council be collected in the  
manner provided by the section of this Act of which the  
marginal note is "General district rate may be assessed  
in same manner as borough rate" and recovered in the  
same manner as general district rates are recoverable.

(5) The improvement rate in respect of any lands  
shall be redeemable at any time by the owner liable to  
the payment thereof on payment by him to the Council  
of such capital sum as may be agreed on between the  
Council and such owner.

The Council shall apply every such capital sum in  
extinguishment of loans raised by them under the powers  
of this Act for the purchase of lands for and the construc-  
tion of the promenade and such application shall be in  
addition to and not in substitution for any other mode of  
extinguishment by this Act provided except to such  
extent and upon such terms as may be approved by the  
Minister of Health.

(6) The excess of the said expenditure over and  
above the produce of the improvement rate and the cost  
of maintaining the promenade and the other expenses  
incurred in connection therewith shall be paid out of the  
district fund and general district rate.

## PART V.

### POWERS WITH REGARD TO DRAINAGE.

**37.** On the appointed day the property powers Transfer of  
powers  
under  
Marsh  
award.  
rights duties and liabilities of the corporation of Rossall  
School as the owners of Rossall Hall referred to in the  
award made in pursuance of the Thornton Marsh Act  
1799 in and in respect of the New Hillylaid Clough and  
Dick's Hill Clough or Floodgate and the embankments  
on each side thereof and the sea shore embankment shall  
by virtue of this Act be transferred to vest in be exercise-  
able by and attach to the Council who for that purpose  
shall be deemed to be the surveyors or superintendents  
of the said works and the collectors or receivers of the  
rates or assessments to be made or assessed under the  
said award in respect of the said works :

[Ch. lxxiv.]      *Thornton Urban*      [13 & 14 GEO. 5.]  
*District Council Act, 1923.*

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—  
Provided that no rate shall be levied under the powers of this section in respect of moneys borrowed for the construction of Works Nos. 10 11 and 12 authorised by this Act.

Transfer of  
powers of  
Bispham  
Carlton and  
Thornton  
Drainage  
Board.

**38.**—(1) On the appointed day the property powers rights duties and liabilities of the drainage board for the separate drainage district constituted by the Order confirmed by the Land Drainage Supplemental Act 1879 (in this Act referred to as “the drainage board”) shall by virtue of this Act be transferred to vest in be exerciseable by and attach to the Council and the drainage board shall cease to exist.

(2) Provided that the amount of the rate that may be levied by the Council in any one year in the exercise of the powers transferred to them by this section shall not exceed one shilling per statute acre except for the period of ten years after the appointed day when such rate in any one year shall not exceed one shilling and sixpence per statute acre :

Provided also that no rate shall be levied under the powers of this section in respect of moneys borrowed for the purpose of constructing Works Nos. 10 11 and 12 authorised by this Act.

For pro-  
tection  
of Black-  
pool Cor-  
poration.

**39.** Notwithstanding anything contained in the sections of this Act of which the marginal notes are “Transfer of powers under Marsh award” and “Transfer of powers of Bispham Carlton and Thornton Drainage Board” the Blackpool Corporation shall at any time be at liberty to deal with the surface water drainage of all lands situate in the borough which are now liable to be rated under the provisions of the Thornton Marsh Act 1799 or are situate within the district of the drainage board respectively and in the event of the Blackpool Corporation exercising that power the provisions of those Acts shall not apply so as to enable the Council to execute any works in the borough or to levy rates on the owners or occupiers of lands within the borough.

Compensa-  
tion to  
existing  
officers.

**40.**—(1) If the surveyor employed by the corporation of Rossall School and the surveyor of the drainage board (each of whom is in this section referred to as “the officer”) or either of them by virtue of this Part of this Act or of anything done in pursuance or in consequence thereof suffer any direct pecuniary loss

by abolition of office or by diminution or loss of fees or salary they or he shall be entitled to have compensation paid to them or him by the Council for that pecuniary loss. A.D. 1923.  
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(2) In determining the compensation payable to the officer in pursuance of the foregoing provisions of this section regard shall be had to the conditions and other circumstances of subsection (1) of section 120 of the Local Government Act 1888 in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and shall be paid out of the district fund and general district rate and the provisions of subsections (2) to (7) of section 120 of the said Act of 1888 shall apply with the necessary modifications (including the substitution of the Minister of Health for the Treasury) provided that the non-acceptance of any office shall not be a bar to the right of the officer to compensation.

(3) For the purposes of subsection (2) of this section if the officer's services are dispensed with or his salary is reduced within five years from the appointed day because his services are not required or his duties are diminished in consequence of this Part of this Act and not on the ground of misconduct he shall be deemed to have suffered a direct pecuniary loss in consequence of this Part of this Act.

(4) In the application for the purposes of this section of the provisions of the said Act of 1888 therein referred to those provisions shall have effect as if the Superannuation Act 1909 had not been passed.

(5) The officer shall not be entitled to claim or receive both compensation for any direct pecuniary loss by abolition of office or diminution or loss of fees or salary and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

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

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Water-  
course  
choked up  
to be a  
nuisance  
under  
Public  
Health Act  
1875.

**42.** Any river stream or watercourse or any part or parts thereof respectively within the district so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto or the hindrance of the usual effectual drainage of water through the same shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

## PART VI.

### STREETS BUILDINGS AND SANITARY PROVISIONS.

Widening of  
roads when  
only one  
side is built  
upon.

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

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

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

Building  
line in new  
streets.

**44.**—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Council by virtue of any enactments or byelaws with respect to streets and buildings in force

within the district distinctly define and mark on a plan to be drawn to such scale as the Council may require and to be prepared and submitted by such person to the Council for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Council shall be deemed to have approved any building line as shown unless within one month after the date of submission thereof as aforesaid they shall have signified to the person submitting the same their disapproval thereof. A.D. 1923.  
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(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line for such street has been approved by the Council nor beyond or in front of the building line approved by the Council and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

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

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

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

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

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

Saving for  
railway  
companies.

**45.** The provisions of the sections of this Act whereof the marginal notes are "Widening of roads when only one side is built upon" and "Building line in new streets" shall not apply to any lands or building (not used as a dwelling-house) or work belonging to and used or occupied by a railway company for the purpose (other than for a dwelling-house) of their railway undertaking under any Act of Parliament except that under the latter section the railway company shall submit the plan marked as required by that section to the Council for their information.

Council  
may order  
houses to  
be drained  
by a com-  
bined drain.

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

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

(3) Provided that the Council shall not except by agreement with the owners exercise the powers conferred

by this section in respect of any house for the drainage of which plans shall have been previously approved by them. A.D. 1923.  
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(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Council under this section or the amount to be borne and paid by him may appeal to a petty sessional court provided that such appeal be made within two months from the date of the service of notice by the Council intimating the amount payable or their apportionment thereof. On any such appeal the petty sessional court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

**47.**—(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 Council shall have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 and the Council 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 Council may declare them to be private improvement expenses and may recover them accordingly. Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

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

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

**48.** The Council may make byelaws for promoting and securing sanitary and cleanly conditions in the manufacture preparation storage transport or exposure of food. Byelaws for places used for preparation of food.

A.D. 1923. — for sale of any article intended to be sold for the food of man. Provided that before making any such byelaw applicable to the transport of any article by the London Midland and Scottish Railway Company or to or from any railway station or depôt of such company the Council shall give not less than one month's notice to the company of the Council's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the company shall be entitled to make representations to the Minister of Health with regard thereto :

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

For regu-  
lating  
manufac-  
ture and sale  
of ice  
cream &c.

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

- (a) Causes or permits ice cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (b) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (c) Omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice cream or other similar commodity to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer

who is duly authorised by the Council in that behalf may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in any of the premises and the Council shall compensate the owner of the ice cream or similar commodity or materials so destroyed. A.D. 1923.

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

(4) (a) The medical officer and the sanitary inspector and any other officer who is duly authorised by the Council 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 Council would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(b) Any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

**50.** The provisions of section 26 of the Housing Town Planning &c. Act 1919 with reference to the making and enforcing of byelaws requiring the provision adequate for the use of and readily accessible to each family who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family of closet accommodation and water supply and washing accommodation shall apply to all such houses in the district whether intended or used for occupation by the working classes or not. As to closet accommodation and water supply in houses let in lodgings.

A.D. 1923.

PART VII.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

Power to  
borrow.

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

1	2	3	4
Purpose.	Amount.	Charge.	Period for repayment.
(a) For the purchase of foreshore rights and land for the street works and the footpath Work No. 13 authorised by this Act.	6,769	The district fund and the general district rate.	Sixty years from the date or dates of borrowing.
(b) For the construction of the street works and the footpath Work No. 13 authorised by this Act.	24,071	The district fund and the general district rate.	Thirty years from the date or dates of borrowing.
(c) For the construction of the promenade authorised by this Act.	54,457	The proceeds of the improvement rate and the district fund and the general district rate.	Sixty years from the date or dates of borrowing.
(d) For the purchase of land for Works Nos. 10 11 and 12 authorised by this Act.	725	The district fund and the general district rate.	Sixty years from the date or dates of borrowing.
e) For the construction of Works Nos. 10 11 and 12 authorised by this Act.	2,982	The district fund and the general district rate.	Thirty years from the date or dates of borrowing.

1	2	3	4
Purpose.	Amount.	Charge.	Period for repayment.
(f) For the purchase of land for and for the construction of the jetty authorised by this Act.	£ 350	The district fund and the general district rate.	Twenty years from the date or dates of borrowing.
(g) For paying the costs charges and expenses of this Act.	The sum requisite.	The district fund and the general district rate.	Five years from the passing of this Act.

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

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

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

(3) Notwithstanding anything contained in this or any other Act it shall not be obligatory upon the Council to make the first payment to the sinking fund or to pay the first instalment of principal for repayment of money borrowed for the purpose (c) mentioned in subsection (1) of this section until five years from the commencement of the work.

**52.** The following sections of the Act of 1906 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (that is to say):—

Section 36 (Certain regulations of Public Health Act as to borrowing not to apply);

Section 37 (Mode of raising money);

Section 38 (Provisions of Public Health Act as to mortgages to apply);

Section 40 (Mode of payment off of money borrowed);

Section 41 (Sinking fund):

Application  
of pro-  
visions of  
Act of 1906.

[Ch. lxxiv.] *Thornton Urban* [13 & 14 GEO. 5.]  
*District Council Act, 1923.*

A.D. 1923.

Provided that the said section 41 shall be read and have effect as if the words "three pounds ten shillings per centum per annum or such other rate as the Minister of Health may approve" were inserted in subsection (1) (b) of that section instead of the words "three per centum per annum":—

- Section 42 (Protection of lender from inquiry);
- Section 43 (Council not to regard trusts);
- Section 45 (Return to Local Government Board as to repayment of debt);
- Section 46 (Application of money borrowed);
- Section 50 (Expenses of execution of Act);
- Section 51 (Audit of accounts);
- Section 52 (Inquiries by Local Government Board);
- Section 54 (Authentication and service of notices).

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

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

Power to invest all sinking funds in statutory securities.

**54.** 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 Council are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Appointment of receiver.

**55.**—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall be not less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court. A.D. 1923.  
—

**56.**—(1) The Council shall have power—

Power to  
re-borrow.

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

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

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

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

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

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

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

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

(5) Section 44 (Power to re-borrow) of the Act of 1906 is hereby repealed.

**57.** If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council. Receipt in  
case of per-  
sons not  
sui juris.

A.D. 1923.

—  
General  
district rate  
may be  
assessed in  
same man-  
ner as  
borough  
rate.

**58.**—(1) From and after the thirty-first day of March nineteen hundred and twenty-four the Council may if they think fit in lieu of themselves making assessing and levying any general district rate order such rate to be made assessed and levied in the same manner as a borough rate would be assessed and levied if the district were a borough and may enforce the payment thereof from the overseers of the township of Thornton (hereinafter called “the overseers”) in the same manner as in the case of the borough rate and if any such order be made by the Council the general district rate shall be made assessed and levied by the overseers in the same manner and under the same provisions as in the case of the poor rate but subject to the exemptions (partial or otherwise) for the time being applicable to such general district rate in respect of any property in the district and such rate may be assessed and levied either separately or together with the poor rate assessed and levied in respect of the hereditaments rateable to such rate :

Provided that the demand note served upon any railway company for any such rate shall show distinctly on the face of it the respective assessments as well as the actual rates proposed in each case to be levied :

Provided further that the accounts of the Council shall be kept in such manner as will enable a railway company on inspection thereof to ascertain that the benefit of any exemption to which they are entitled is being given to them and that section 269 of the Public Health Act 1875 shall apply to a railway company deeming themselves aggrieved by any general district rate ordered to be made in the manner provided by this section.

(2) In the event of the Council making any order in pursuance of this section—

(a) Any other rate for the time being leviable by the Council may be included with the poor rate (but distinguished therefrom) in any book or books of assessments and in one demand note The demand note shall be in such form as the Minister of Health may approve ;

(b) The overseers shall recover and enforce the poor rate in the same manner as the general district rate is recoverable and enforceable

under the Public Health Act 1875 and the provisions of section 2 (In default of distress for non-payment of rates justices may issue warrant of commitment) of the Distress for Rates Act 1849 with respect to the recovery and enforcement of the poor rate shall cease to apply. Provided that any provisions limiting the period within which proceedings must be commenced for the recovery of the general district rate in a court of summary jurisdiction shall not apply to the poor rate; A.D. 1923.

- (c) The provisions of sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 shall extend and apply to the general district rate (in substitution for the provisions of section 211 of the Public Health Act 1875) in like manner as to the poor rate.

(3) If any assistant overseer is required to perform duties in pursuance of any order made by the Council under this section which are an addition to those which he is required to perform at the date of the passing of this Act the Council shall pay him such additional remuneration as in the opinion of the Council the circumstances merit or as the Minister of Health may in the event of difference between the Council and the officer determine.

**59.**—(1) In the event of the Council making an order in pursuance of the last preceding section of this Act the accounts of the overseers and collectors of poor and other rates relating to the general district rate shall be submitted to and be audited by the district auditor in the manner provided by section 37 (Rates made by overseers not now audited made subject to the audit of district auditor) of the Divided Parishes and Poor Law Amendment Act 1876 and that rate shall be deemed to be a rate within the meaning of that section. Audit of accounts.

(2) The expenses of the overseers in connection with the assessment levying and collection of the general district rate shall be paid out of the district fund.

(3) The provisions of section 5 (Regulations as to audit) of the District Auditors Act 1879 shall apply to the accounts of the overseers and collectors.

A.D. 1923.

—  
Scheme for  
fixing  
equated  
periods.

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

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

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

Overseers  
may require  
returns.

**61.**—(1) The overseers of the township of Thornton may by notice in writing require the owner or occupier or reputed owner or occupier of any hereditament in the township (other than land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the Schedule to this Act and containing the particulars therein mentioned or referred to :

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

- (a) upon any change in the occupation or ownership of any hereditament; or
- (b) upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament; or

(c) in the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section. A.D. 1923.

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

(3) The overseers of the township of Thornton shall whenever required by the assessment committee of the Fylde Poor Law Union produce from time to time to such committee the returns or any of them obtained by the overseers under the provisions of this section.

**62.** In addition and without prejudice to their existing powers the overseers of the township of Thornton may amend the poor rate of that township by inserting therein the name of any person who ought to have been rated: Amendment of poor rate.

Provided that—

(1) Any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment:

(2) An amended rate shall not be payable by any person whose name is thereby newly inserted until seven days after such notice has been given to him.

**63.** Nothing in this Act shall alter the liabilities respecting the payment of any rates or expenses made payable or recoverable by this Act or any byelaw thereunder of any owner or occupier as between themselves under any special contract relative thereto. Saving for special contracts between landlords and tenants.

**64.** If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect Penalty on occupier

A.D. 1923. any requirement of the Council under Part VI. (Streets  
— buildings and sanitary provisions) of this Act or under  
refusing any byelaw made under that Part then after notice of  
execution this provision shall have been given by the owner to  
of Act. 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 Council to be done and if after the  
expiration of seven days from the service of such order  
the occupier shall continue to refuse to permit the owner  
to execute the said works he shall for every day during  
which he shall so continue to refuse be liable to a penalty  
not exceeding two pounds and during the continuance  
of his refusal the owner shall be discharged from any  
penalties to which he might otherwise have become liable  
by reason of his default in executing such work.

In execu-  
ting works  
for owner  
Council  
liable for  
negligence  
only.

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

As to breach  
of condi-  
tions of  
consent of  
Council.

**66.** Where under this Act or under any general  
or local Act for the time being in force in the district  
the Council 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 con-  
sequences equivalent to the execution of the work or  
the doing of the act or thing without the required consent.

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

A.D. 1923.

—  
 Consent of Council to be in writing.

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

Evidence of appointments authority &c.

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

Damages and charges to be settled by justices.

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

Apportionment of expenses in case of joint owners.

**71.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the

Recovery of demands.

A.D. 1923. — recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of penalties &c. **72.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid over to treasurer. **73.** All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or under any byelaw made thereunder shall be paid to the treasurer and be by him carried to the credit of the district fund or to such other fund as the Council shall direct.

Informations by whom to be laid. **74.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the district.

Saving for indictments &c. **75.** 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.

Summons or warrant may contain several sums. **76.** Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Confirmation of byelaws. **77.** The provisions of the following sections of the Public Health Act 1875 (namely):—

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on A.D. 1923.  
breach of byelaws);

Section 184 (Confirmation of byelaws); and

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

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act. Provided that as respects byelaws made under the provisions of the section of this Act of which the marginal note is "Power to make byelaws as to promenade and sea shore" the Secretary of State shall be substituted for the Minister of Health. Provided also that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

**78.** 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 Council or of or by any officer of the Council under the provisions of Part V. (Powers with regard to drainage) or Part VI. (Streets buildings and sanitary provisions) of this Act or by any conviction or order made by a court of summary jurisdiction under the said provisions may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Council may in like manner appeal. As to appeal.

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

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

**81.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts. Compensation how to be determined.

A.D. 1923.  
 —  
 Powers of  
 Act  
 cumulative.

**82.** All powers rights and remedies given to the Council 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 Council or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Works  
 below high-  
 water mark  
 not to be  
 constructed  
 without  
 consent of  
 Board of  
 Trade.

**83.** The Council shall not under the powers of this Act construct any work on over or under the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only in accordance with such plans and sections and subject to such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Council and the amount of such cost shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily.

Lights on  
 works  
 during con-  
 struction.

**84.—(1)** The Council shall at or near any works below high-water mark of ordinary spring tides constructed by them under the powers of this Act during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

(2) If the Council fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds. A.D. 1923.  
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**85.** If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Council under the powers of this Act on in over through or across any tidal lands or tidal water or of the intended site of any such work the Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Council to the Crown and be recoverable as a Crown debt or summarily. Survey of  
works by  
Board of  
Trade.

**86.** If a work constructed by the Council under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Council and the amount of such expense shall be a debt due from the Council to the Crown and be recoverable as a Crown debt or summarily. Abatement  
of work  
abandoned  
or decayed.

**87.** The Council shall at the outer extremity of any work below high-water mark of ordinary spring tides constructed by them under the powers of this Act exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct. If the Council fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds. Permanent  
lights on  
works.

**88.** The Council shall if so required by the Board of Trade at all times keep at the outer extremity of any work below high-water mark of ordinary spring tides constructed by them under the powers of this Act and at reasonable distances along such work and in accordance with any conditions which may be imposed by the Board of Trade a sufficient number of life-buoys and lines in good order and fit and ready for use. Life-buoys  
to be kept.

**89.** In case of injury to or destruction or decay of any work or any part thereof constructed by the Council under the powers of this Act on in over through or across Provision  
against  
danger to  
navigation.

A.D. 1923. — any tidal lands or tidal water the Council shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Council shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given with reference to the means to be taken.

Crown  
rights.

90. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Saving  
rights of  
Duchy of  
Lancaster.

91. Nothing contained in this Act shall extend or operate to authorise the Council to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the chancellor for the time being of the said Duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said Duchy.

Costs of  
Act.

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

## The SCHEDULE.

A.D. 1923.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER PARTICULARS TO BE RENDERED UNDER THE THORNTON URBAN DISTRICT COUNCIL ACT 1923.

<p>1. Name of the street or road &amp;c. in which the property is situate -  Number of the house - - -  (If not numbered state the name by which known.)  Whether occupied with or without stables or other premises as part of the same property - -  The quantity of land (if any) and how used - - -</p>	
<p>2. Full Christian name and surname of occupier - - -</p>	
<p>3. Name and address of owner or immediate lessor - - -  (If not known state the name and address of the agent or person to whom the rent is paid.)</p>	
<p>4. Whether the property is occupied—  (a) Wholly as a private residence - - -  or (b) Partly as a dwelling-house and partly for trade or business purposes - - -  or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - -  (Number of rooms set apart for the use of the caretaker (if any) and on which floor.)  (d) Nature of the business (if any) -</p>	<p>(a)  (b)  (c)  (d)</p>
<p>5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - -</p>	
<p>6. Amount of rent - - -  or if ground rent only is paid state its amount - - -</p>	<p>£            per  £            per</p>
<p>7. Whether the property is held under lease or agreement for a period of years - - -  or By the year quarter month or week - - -</p>	

A.D. 1923.

<p>8. (a) Date of commencement of term of lease or agreement - - -</p> <p>(b) Term of years for which granted</p> <p>(c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - -</p> <p>(If none insert "None.")</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated <i>i.e.</i> the amount at which the property is worth to be let by the year the owner keeping it in repair - - -</p>	<p>} Annual Value £</p>
<p>10. (a) Amount of land tax (if any) -</p> <p>(b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19</p> <p>(State in each case whether borne by the landlord or tenant.)</p>	<p>(a) £ . Borne by the</p> <p>(b) £ . . Borne by the</p>
<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - -</p>	
<p>12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - -</p> <p>(If each undertakes to bear part only of the cost of repairs state the particulars.)</p>	

## DECLARATION.

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

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