



## CHAPTER lxxxvii.

An Act to empower the mayor aldermen and burgesses of the borough of Ashton-under-Lyne to provide and work trolley vehicles and motor omnibuses to provide for the running of trolley vehicles between the boroughs of Ashton-under-Lyne and Oldham to extend the area of supply of the Ashton-under-Lyne Corporation for electricity purposes to confer further powers with regard to the market streets and buildings the health and good government of the borough and the consolidation of rates and for other purposes. [7th August 1924.]

A.D. 1924.  
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**W**HEREAS the mayor aldermen and burgesses of the borough of Ashton-under-Lyne (in this Act called "the Corporation") are the owners of and work tramways in the borough of Ashton-under-Lyne (in this Act called "the borough") and in the parishes of Waterloo and Bardsley in the rural district of Limehurst in the county palatine of Lancaster :

And whereas it is expedient to empower the Corporation to provide and work vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") along the routes of the said tramways and to confer upon the Corporation all necessary and convenient powers with regard thereto :

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And whereas it is expedient to empower the Corporation to abandon and remove or discontinue to use such tramways or some of them when trolley vehicles have been provided and are being worked along the roads in which the same have been constructed :

And whereas the mayor aldermen and burgesses of the borough of Oldham (in this Act called " the Oldham Corporation ") are the owners of and work tramways in their borough and by arrangement between the Corporation and the Oldham Corporation the tramcars of the said Corporations are now run between the centre of the borough and the centre of the borough of Oldham :

And whereas it is expedient that the Oldham Corporation should be empowered to provide and work trolley vehicles on certain of the tramway routes within their borough in addition to running tramcars thereon so as to afford a through service of trolley vehicles between the centres of the said boroughs :

And whereas the parish councils of Waterloo and Bardsley have passed resolutions approving of the running of trolley vehicles in those parishes in lieu of tramways :

And whereas it is expedient to make further provision with regard to the provision and running of motor omnibuses by the Corporation outside the borough :

And whereas it is expedient to extend the area of the Corporation with regard to the supply of electricity as by this Act provided :

And whereas it is expedient to confer further powers upon the Corporation with regard to their covered market and to make provision with regard to the days on which the markets of the Corporation may be held and to confer further powers contained in this Act upon the Corporation with regard to the holding of markets and fairs in the borough :

And whereas it is expedient that the powers of the Corporation with regard to streets buildings sewers drains the prevention of disease sanitary matters slaughter-houses and the good government of the borough should be extended as by this Act provided :

And whereas it is expedient to appoint the Corporation acting by the council overseers of the township of



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Ashton-under-Lyne and to make provision for the consolidation of the rates levied in the borough : A.D. 1924.

And whereas it is expedient that the other provisions contained in this Act should 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 Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For the provision of trolley vehicles -	16,000
For the provision of the electrical equipment for working trolley vehicles in the borough and in the parishes of Waterloo and Bardsley - - - - -	4,025
For reinstatement of roads on certain trolley vehicle routes - - - - -	6,503
For the provision of motor omnibuses -	10,000
For mains wires and apparatus in connection with the supply of electricity -	8,720
For and in connection with the extension of the covered market and the erection of offices shops and buildings as part thereof - - - - -	15,690

And whereas an estimate has been prepared in relation to the following purposes in respect of which the Oldham Corporation are by this Act authorised to borrow money and such estimate is as follows :—

	£
For the provision of trolley vehicles -	4,000
For the provision of the electrical equipment and the construction of other works necessary for working trolley vehicles in the borough of Oldham -	2,000

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

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

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

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A.D. 1924. 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 Ashton-under-Lyne  
Corporation Act 1924.

Division of Act into Parts. 2. This Act is divided into Parts as follows :—  
Part I.—Preliminary.  
Part II.—Trolley vehicles and omnibuses.  
Part III.—Electricity.  
Part IV.—Markets fairs and slaughter-houses.  
Part V.—Streets buildings sewers drains and  
sanitary matters.  
Part VI.—Recreation grounds &c.  
Part VII.—Rating provisions.  
Part VIII.—Financial and miscellaneous provi-  
sions.

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

- (1) The Lands Clauses Acts except section 127 of  
the Lands Clauses Consolidation Act 1845  
(relating to the sale of superfluous lands) and  
except the provisions with respect to the taking  
of lands otherwise than by agreement :
- (2) The provisions contained in the schedule to the  
Electric Lighting (Clauses) Act 1899 as amended  
by the Electricity (Supply) Acts 1909 to 1922.

Interpreta- 4. In this Act the several words and expressions  
tion. 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 And in this Act unless the subject or context  
otherwise requires—

“The Corporation” means the mayor aldermen and  
burgesses of the borough of Ashton-under-  
Lyne ;



- “The borough” means the borough of Ashton-under-Lyne;
- “The council” means the council of the borough;
- “The borough fund” “the borough rate” “the district fund” “the general district rate” “the improvement fund” “the improvement rate” “the highway fund” and “the highway rate” mean respectively the borough fund the borough rate the district fund the general district rate the improvement fund the improvement rate the highway fund and the highway rate of the borough;
- “The Oldham Corporation” means the mayor aldermen and burgesses of the borough of Oldham;
- “Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;
- “Road authority” means with reference to any road or part of a road over which any proposed trolley vehicle or omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;
- “The Order of 1892” means the Ashton-under-Lyne (Corporation) Electric Lighting Order 1892 (confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1892);
- “The Order of 1900” means the Ashton-under-Lyne Corporation Tramways Order 1900 (confirmed by the Tramways Orders Confirmation (No. 4) Act 1900);
- “The Act of 1902” means the Ashton-under-Lyne and Dukinfield Corporations (Alma Bridge &c.) Act 1902;
- “The Act of 1917” means the Ashton-under-Lyne Corporation Act 1917;
- “The electricity limits” means the area within which the Corporation are authorised by this or any former Act or Order to supply electricity;
- “The mayor” “the town clerk” “the treasurer” “the medical officer” “the surveyor” and the “sanitary inspector” mean respectively the mayor the town clerk the treasurer the medical

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officer of health the surveyor and any sanitary inspector of the borough and include respectively any persons duly authorised to discharge temporarily the duties of those offices;

“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 Corporation;

“Principal moneys” means any moneys borrowed or to be borrowed by the Corporation under any statutory borrowing power (including borrowing powers under this Act) and not raised by the issue of stock;

“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.



PART II.

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TROLLEY VEHICLES AND OMNIBUSES.

5.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may work the same along the following route in the parishes of Waterloo and Bardsley in the rural district of Limehurst in the county palatine of Lancaster:—

Power to use trolley vehicles.

From the boundary of the borough in Oldham Road along that road to the boundary of the borough of Oldham.

(2) The Corporation may also with the consent of the Minister of Transport and subject to such conditions as he may impose work trolley vehicles along any street or road in the borough along which they are at the date of the passing of this Act authorised to construct or work tramways:

Provided that before equipping any route for working trolley vehicles to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval.

6.—(1) The Lancashire County Council (in this section called "the county council") shall forthwith reconstruct the roadway along the trolley vehicle route from the boundary of the borough in Oldham Road along that road to the boundary of the borough of Oldham referred to in the section of this Act of which the marginal note is "Power to use trolley vehicles" so far as practicable with a surface of compressed natural rock asphalte and shall otherwise reconstruct the same in such manner as the county council shall determine and shall in conjunction with such reconstruction and at the cost of the Corporation remove the rails of the existing tramway and the tramway track from the said roadway.

As to reconstruction of portion of Oldham Road.

(2) The tramway rails and the granite setts forming part of the said tramway track shall when so removed belong to the Corporation.

(3) So soon as the county surveyor of the county council shall certify that the reconstruction of the said roadway has been completed the Corporation shall

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Rails of tramway to be removed in certain cases.

7. If at any time it is proved to the satisfaction of the Minister of Transport that the Corporation have for a period of twelve months ceased to run a regular service of carriages on any tramway laid down on any road upon which trolley vehicles are run under the powers of this Act the Minister of Transport may if he thinks it expedient in the circumstances of the case by order direct the Corporation within such time and subject to such conditions as he may specify to remove the rails of such tramway from the surface of the road and leave the portion of the road upon which such rails were laid in good repair and condition. If the Corporation act in contravention of or fail to comply with any of the provisions of such order the Corporation shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds. Provided that this section shall not apply to any tramway of the Oldham Corporation.

As to maintenance of roads on trolley vehicle routes.

8. As from the date upon which and so long as a service of trolley vehicles is provided by the Corporation in lieu of a tramway service upon the route or routes of any of the tramways of the Corporation the revenue of the tramway undertaking of the Corporation shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged with any expenses incurred by the Corporation upon or in connection with the maintenance and repair of roads along the route or routes upon which such service of trolley vehicles is provided under any statutory enactment relating to that undertaking but nothing in this section shall relieve the Corporation of any liability attaching to them in respect of such maintenance and repair.

As to electrical works.

9.—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are or may be authorised to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for



the purpose of working trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and in this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working trolley vehicles :

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Provided that—

- (a) All posts and apparatus erected by the Corporation under the powers of this Act in any street or road shall be of such design as the local authority may approve and shall be placed in such position as the local authority and road authority may approve And that no post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport;
- (b) The route in which any electrical apparatus is to be laid or erected for the purpose of connecting the trolley vehicle routes or any of them with a generating station shall be approved by the local authority and the road authority within whose jurisdiction each portion of the route is situate.

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

(3) The Corporation may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided by them for working tramways in streets or roads along which they are or may be authorised to run trolley vehicles.

(4) In this section the expression "generating station" has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

**10.** Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for

Exclusive  
right of  
using appar-  
atus for

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—  
 working  
 trolley  
 vehicles.

the purpose of working trolley vehicles and any person using the said apparatus (except by agreement with the Corporation under the section of this Act of which the marginal note is "Working agreements") shall for every offence be liable to a penalty not exceeding twenty pounds.

Approval of  
 vehicles by  
 Minister of  
 Transport.

**11.** The trolley vehicles and the electrical equipment thereof used by the Corporation under the authority of this Act shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport.

Application  
 of certain  
 provisions  
 relating to  
 tramways of  
 Order of  
 1900 and  
 Acts of 1902  
 and 1917  
 to trolley  
 vehicles.

**12.—(1)** The following provisions of the Order of 1900 the Act of 1902 and the Act of 1917 as amended by this Act shall extend and apply to the trolley vehicles of the Corporation authorised by this Act as if those provisions were with all necessary modifications re-enacted in this Act (that is to say):—

The Order of 1900—

- Section 5 (Lands);
- Section 25 (Provisions as to motive power);
- Section 26 (Works for applying mechanical power);
- Section 27 (Mechanical power works to be subject to section 30 of Tramways Act 1870);
- Section 28 (Byelaws);
- Section 29 (Amendment of Tramways Act 1870 as to byelaws by local authority);
- Section 30 (Special provisions as to use of electric power);
- Section 32 (Traffic upon tramways);
- Section 33 (Promoters' lessees not bound to carry animals goods &c.);
- Section 34 (Passengers' fares);
- Section 35 (As to fares on Sundays or holidays);
- Section 36 (Passengers' luggage);
- Section 37 (Cheap fares for labouring classes);
- Section 38 (Rates and charges for animals goods &c.);



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- Section 39 (Payment of rates);
- Section 40 (Periodical revision of tolls);
- Section 43 (Working agreements);
- The schedule.

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The Act of 1902—

- Section 18 (Attachment of brackets and lamps to buildings) Provided that the Corporation shall not under that section attach any bracket wire or apparatus to any building or erection belonging to a railway company except with their consent in writing.

The Act of 1917—

- Section 13 (Stages);
- Section 14 (Stopping and starting places);
- Section 15 (Through cars and omnibuses);
- Section 16 (Power to reserve cars for special purposes);
- Section 17 (Payment of fares rates and charges);
- Section 18 (Shelters or waiting-rooms);
- Section 19 (Lost property);
- Section 20 (Attachment of signs indicating stopping places to lamp posts &c.);
- Section 22 (Removal of obstructions);
- Section 23 (Penalty for malicious damage);
- Section 24 (As to byelaws);
- Section 25 (For protection of Postmaster-General);
- Section 26 (Use of tramway posts by Postmaster-General).

(2) In the application of the said provisions of the Order of 1900 the Act of 1902 and the Act of 1917 the same shall be read and have effect as if the working equipment for trolley vehicles were tramways within the meaning of the said Order and Acts and as if trolley vehicles were carriages used on the tramways of the Corporation and as if the trolley vehicle undertaking of the Corporation authorised by this Act formed part of the tramway undertaking authorised by that Order or those Acts as the case may be. Provided that the said trolley vehicles shall only be used for the purpose of conveying passengers and their luggage and small parcels

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Repeal of certain provisions of Act of 1917.

**13.** From and after the date when the part of the trolley vehicle system by this Act authorised between the town hall in the borough and the boundary of the borough of Oldham is open for public traffic so much of section 4 (Confirmation of scheduled agreements) of the Act of 1917 and of the First and Second Schedules to that Act as require the Corporation to work the tramways or any reconstructed tramway in the parishes of Waterloo and Bardsley shall be repealed.

Application of certain provisions of Tramways Act 1870 to trolley vehicles.

**14.** The following provisions of the Tramways Act 1870 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) shall apply to the trolley vehicles of the Corporation authorised by this Act and for that purpose are incorporated with this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways :—

- Part II. (Relating to the construction of tramways) except sections 25 28 and 29;
- Section 41 (Tramways to be removed in certain cases);
- Section 46 (Byelaws by local authority Promoters may make certain regulations);
- Section 47 (Penalties may be imposed in byelaws);
- Section 48 (Power to local authority to license drivers conductors &c.);
- Section 49 (Penalty for obstruction of promoters in laying out tramway);
- Section 51 (Penalty on passengers practising frauds on the promoters);
- Section 53 (Penalty for bringing dangerous goods on the tramway);
- Section 55 (Promoters or lessees to be responsible for all damages);
- Section 56 (Recovery of tolls penalties &c.);



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- Section 57 (Right of user only); A.D. 1924.  
Section 60 (Reserving powers of street author-  
ities to widen &c. roads); and  
Section 61 (Power for local or police authorities  
to regulate traffic in roads):

Provided that nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept.

15. The Corporation shall perform in respect of trolley vehicles run by them such services with regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies. Conveyance of mails.

16. The following provisions for the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company and the Oldham Ashton-under-Lyne and Guide Bridge Junction Railway Company (each of whom is in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect:— For protec-  
tion of  
London and  
North  
Eastern  
and other  
Railway  
Companies.

(1) In this section the word "apparatus" includes standards brackets conductors mains cables wires posts poles and any other apparatus and equipment for the purpose of working trolley vehicles:

(2) All works authorised by or in pursuance of this Part of this Act where the same shall be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the company or will otherwise affect the same shall be executed so as not to affect injuriously any such bridge approaches or other work or the structure thereof and according to plans sections and specifications to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed as hereinafter provided Provided that if the company do not within twenty-eight days after such submission

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signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such works shall be thereafter maintained according to the plans sections and specifications so approved or determined by arbitration and under the superintendence (if the same be given) and to the reasonable satisfaction of the company In the event of any injury being occasioned to such bridge approaches or work by the construction maintenance user or removal of the works trolley vehicles or apparatus upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing :

- (3) The Corporation shall on demand pay to the company the reasonable expense of lighting and watching the railway canal and property of the company which shall be necessary during and in consequence of the execution or repair by the Corporation under or in pursuance of this Part of this Act of any work or apparatus affecting any bridge or other work belonging to or maintainable by the company for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them or otherwise :
- (4) The Corporation shall not in any manner in the execution maintenance user or repair of any of their works trolley vehicles or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway canal or other work belonging to or maintainable by the company or any traffic thereon :
- (5) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to any works or property which they may be liable to maintain or to the traffic on their railways or canals or to any company or person using the same by or by reason of the execution or failure



of any of the said works or apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the said works or any part thereof while engaged upon such works or part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :

- (6) If the company shall hereafter require under their statutory powers existing at the passing of this Act to widen lengthen strengthen reconstruct alter or repair any of their bridges approaches or other works under or upon which the works and apparatus are laid or to widen or alter any railway or canal thereunder or thereover the Corporation shall afford to the company all reasonable and proper facilities for the purpose and if it shall be reasonably necessary for such purpose that such works and apparatus be taken up diverted or removed and if the company accordingly give to the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the works and apparatus shall be stopped or delayed or such part of the works and apparatus shall be taken up diverted or removed as may be reasonably required by such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the works and apparatus shall be restored with all practicable despatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :
- (7) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting

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such widening lengthening strengthening reconstructing altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the company by reason of the existence or user of the works or apparatus :

- (8) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :
- (9) If having regard to the proposed position of any works or apparatus of the Corporation authorised by or in pursuance of this Part of this Act when considered in relation to the position of the works of the company at any point where any works or apparatus will be constructed over or under the railway canal or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of so doing shall be repaid to the company by the Corporation :
- (10) The Corporation shall not for the purposes of this Part of this Act make attachments to any part of any bridges or other property of the company without the consent in writing of the engineer of the company such attachments if allowed to be temporarily removed at any time when required by the said engineer in



connection with the maintenance and reconstruction or alteration of any such bridge :

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- (11) If any difference arises under this section between the Corporation and the company the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed at the request of either party by the President of the Institution of Civil Engineers.

17.—(1) (a) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets and roads in this Act hereinbefore referred to) they may make application to the Minister of Transport and the Minister of Transport is hereby empowered to make a Provisional Order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act.

Minister of Transport may authorise new routes.

(b) The Minister of Transport shall not make any Provisional Order under this section relating to any road outside the borough except with the consent of the local authority and (where the local authority is not the road authority) of the road authority of the district in which such road is situate.

(2) No such application shall be entertained by the Minister of Transport unless the Corporation shall—

(a) have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the area to which the application relates;

(b) have also published such notice once in the months of October or November in the London Gazette;

(c) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to

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which such application relates a notice of their intention to make such application; and each such notice shall state the time and method for bringing before the Minister of Transport any objections to the grant of such application.

(3) The Minister of Transport may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Minister of Transport shall consider any such application and may if he thinks fit direct an inquiry to be held in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Minister of Transport expedient that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(8) The making of a Provisional Order under this section shall be *primâ facie* evidence that all the requirements of this section in respect of proceedings required



to be taken previously to the making of such Provisional Order have been complied with. A.D. 1924.

(9) Any expenses incurred by the Minister of Transport in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Minister of Transport in connection with any inquiry under this section shall be paid by the Corporation.

18. The Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles and other vehicles at any depôt or building used by them in connection with their tramway trolley vehicle and omnibus undertakings and at any places on the routes of the Corporation tramways or on any trolley vehicle or omnibus route of the Corporation and the Corporation may make charges for the use of such cloak-rooms and sheds and for the deposit of articles and things and bicycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority. Cloak-rooms &c.

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

20. The following provisions for the protection of the London and North Eastern Railway Company the London Midland and Scottish Railway Company and the Oldham Ashton-under-Lyne and Guide Bridge Junction Railway Company (each of whom is in this section referred to as "the company") shall apply and have effect except in so far as the same may be otherwise agreed in writing between the Corporation and the company:— For further protection of London and North Eastern and other Railway Companies.

Notwithstanding anything contained in this Act no cloak-room or room or shed for the storage of

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bicycles and other vehicles barrier or post shall be provided erected or maintained nor shall any starting or stopping station or place be appointed nor shall the Corporation require persons waiting at any stopping place or any terminus to wait in any line or queue so as to cause interference with or to render less convenient the access to or exit from any station depôt or property belonging to the company nor shall any such cloak-room room shed barrier or post be provided erected or maintained or starting or stopping station or place be appointed on any bridge carrying any street or road over the railways or canal of the Company.

Trolley vehicles to form part of tramway undertaking.

**21.** Subject to the provisions of this Act the trolley vehicle undertaking of the Corporation authorised by this Act shall be deemed to form part of the tramway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their tramway undertaking, the income and expenditure upon and in connection with trolley vehicles shall (so far as may be reasonably practicable) be distinguished from the income and expenditure upon or in connection with the remainder of such undertaking.

Power to Oldham Corporation to use trolley vehicles on Ashton route.

**22.**—(1) The Oldham Corporation may as part of their tramway undertaking provide maintain and equip (but shall not manufacture) trolley vehicles and may work and use the same upon the following tramway route in the borough of Oldham in addition to running tramcars thereon (namely):—

From the Oldham borough boundary in Ashton Road along that road King Street Wellington Street Chaucer Street Union Street and King Street to its junction with Wellington Street.

(2) The provisions of the Acts and Orders relating to the tramways of the Oldham Corporation on the said route and of the Acts incorporated therewith shall so far as the same are applicable apply also to the working and use of trolley vehicles on the said route and such provisions shall be read and have effect as if the works constructed or to be constructed in the streets or roads for moving trolley vehicles by electrical power were tramways and as if the trolley vehicles worked and used on the said route were carriages used on tramways



Provided that the said trolley vehicles shall only be used for the purpose of conveying passengers and their luggage and small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers and shall not be used for the carriage of any minerals or any other animals or goods. A.D. 1924.

(3) Subject to the provisions of this Act the Oldham Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working trolley vehicles and any person (except by agreement with the Oldham Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds which may be recovered in a summary manner.

(4) The trolley vehicles authorised by this section and the electrical equipment thereof shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Oldham Corporation which does not comply with the requirements of the Minister of Transport.

(5) The Oldham Corporation shall perform in respect of trolley vehicles run by them such services with regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(6) The provisions of section 40 (As to use of posts standards &c. by Postmaster-General) of the Oldham Corporation Act 1909 shall apply to any posts and standards erected in connection with the trolley vehicles worked and used on the said route as if they were tramways authorised by that Act.

(7) Before equipping any route for working trolley vehicles to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval.

**23.** The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 of that Act and the provisions

Vehicles not to be deemed light locomotives or motor cars.

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*Corporation Act, 1924.*

A.D. 1924. necessary for enforcing that subsection) and subject to that exception neither that Act nor the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

Licence  
duties on  
trolley  
vehicles.

24. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles authorised by this Act as hackney carriages.

Inspection  
by Minister  
of Trans-  
port.

25. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by the Minister of Transport.

Working  
agreements.

26.—(1) The Corporation on the one hand and the Oldham Corporation and any other local authority company body or person having statutory powers to own or work any tramways trolley vehicles or omnibuses which may now or hereafter be connected with the trolley vehicles or the omnibus system of the Corporation on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

(a) The formation of junctions between the tramways and trolley vehicle systems of the contracting parties;

(b) The leasing working running over using maintaining and managing by any or all of the contracting parties or by a joint committee of the contracting parties of the tramways trolley vehicles or omnibuses of any or all of the contracting parties and the fixing collecting apportionment and distribution of the rates and profits arising therefrom;

(c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways trolley vehicles or omnibuses of the contracting parties of rolling stock and vehicles necessary for the purposes of such agreement and the employment of officers and servants;



- (d) The supply of motive power for the working of the tramways or trolley vehicles of the contracting parties;
- (e) The payments to be made and the conditions to be performed with respect to the matters aforesaid;
- (f) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways trolley vehicle systems and omnibus systems of the contracting parties.

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

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

**27.**—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the borough and with the consent of the Minister of Transport and the local authority of the district along any other route without the borough.

Power to  
run omni-  
buses.

(2) In the case of any application under the provisions of this section for the consent of the Minister of Transport the Corporation shall give notice in writing of their proposals to the road authority (where it is not also the local authority) and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister of Transport shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto

[Ch. lxxxvii.] *Ashton-under-Lyne* [14 & 15 GEO. 5.]  
*Corporation Act, 1924.*

A.D. 1924. — and if any objection shall be made by any such person the Minister of Transport may direct an inquiry to be held under the provisions of section 20 of the Ministry of Transport Act 1919.

(3) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor-houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General or with the telegraphic and signalling apparatus of any railway company.

(5) The Corporation shall perform in respect of the omnibuses provided under this section such services with regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(6) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Corporation as if they were carriages used on tramways.

(7) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon such omnibuses or in or against any premises held by the Corporation in connection therewith.

(8) The Corporation shall keep the accounts in respect of their omnibus undertaking separate from their other accounts distinguishing therein capital from revenue.

(9) For the purposes of this section the expression "road authority" means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road.

(10) Section 12 of the Act of 1917 is hereby repealed.



**28.** For the protection of the Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board (in this section referred to as "the board") the following provisions shall apply and have effect (that is to say) :—

A.D. 1924.

—  
For protection of Stalybridge Hyde Mossley and Dukinfield Tramways and Electricity Board.

Notwithstanding anything contained in this Act the Corporation shall not without the consent in writing of the board make any application to the Minister of Transport under the section of this Act of which the marginal note is "Minister of Transport may authorise new routes" for a Provisional Order authorising the use by the Corporation of trolley vehicles on any road within any of the boroughs of Stalybridge Hyde Mossley and Dukinfield or the urban district of Saddleworth nor shall the Corporation without the consent in writing of the board make any application to the Minister of Transport under the section of this Act of which the marginal note is "Power to run omnibuses" for his consent to the running of omnibuses upon any route in any of the said boroughs or the said urban district.

**29.—(1) (a)** Before the Corporation commence to run omnibuses under the powers of this Act over any road or part of a road it shall be determined by agreement between the Corporation and the road authority (where it is not the Corporation) or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money (if any) per mile of road so to be adapted altered or reconstructed or what sum of money (if any) in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

Adaptation of roads.

**(b)** Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (a) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether or not they intend

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*Corporation Act, 1924.*

A.D. 1924. to run omnibuses over the road or part of a road or bridge in question.

(c) If the Corporation give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (a) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(d) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from the date on which the Corporation shall commence to run omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

(e) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (c) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed or of any such bridge so strengthened.

(f) For the purposes of this subsection the expression "county bridge" shall include every bridge maintainable by a county council and in respect of such bridge the county council shall be deemed to be the road authority and the expression "district bridge" shall include every bridge maintainable by a district council and in respect of such bridge a district council shall be deemed to be the road authority.



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*Corporation Act, 1924.*

(2) Any payment made to a road authority under this section in respect of any main road retained by them under subsection (2) of section 11 of the Local Government Act 1888 or maintained by them under subsection (4) of that section shall be credited to the county council in ascertaining the amount payable by them under either of the said subsections of the Local Government Act 1888. A.D. 1924.

(3) If any such adaptation alteration reconstruction or strengthening as aforesaid shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any highway by the omnibuses of the Corporation.

(5) An agreement under this section with respect to any main road maintained by a local authority at the expense of any county council shall not be made except with the concurrence of that county council.

**30.** Nothing in this Act shall impose any obligation upon or enlarge any obligation of any railway or canal company to strengthen adapt alter or reconstruct any bridge or road maintainable by them respectively. As to bridges and roads of railway and canal companies.

**31.—**(1) The powers of running omnibuses under the provisions of this Act on any road or part of a road outside the borough may at the expiration of ten years from the date on which such running commences and at the expiration of any subsequent period of ten years be determined by the Minister of Transport on the application of the local authority of the district in which such road or part of a road is situate upon such terms as the said Minister may determine. As to cesser of powers.

(2) Before issuing an order to determine the said powers the Minister of Transport shall hold a local

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*Corporation Act, 1924.*

A.D. 1924. inquiry at which opportunity shall be afforded to any person interested to object to the continuance or cesser of such powers.

Provision in event of certain powers not being exercised within prescribed limits.

**32.** If the Corporation do not within three years from the giving of the consent of the Minister of Transport to the running by the Corporation of omnibuses on any route without the borough provide a service of omnibuses on such route or having provided shall discontinue any such service the Minister of Transport may on the application of any local authority within whose district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the Minister of Transport may by such order prescribe the powers of the Corporation under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Corporation under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease :

Provided that this section shall not apply or have effect in the event of the failure of the Corporation to provide a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Corporation.

Fares and charges.

**33.—**(1) Subject to the provisions of this section the Corporation may demand and take for passengers passengers' luggage above twenty-eight pounds in weight and parcels carried on the omnibuses fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport.

Any application for a revision of such maximum fares or charges may be made by the Corporation or by the local authority of any district in which such omnibuses are run.

Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.



Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown. A:D. 1924.  
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(2) Every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without charge but all such luggage shall be carried by hand and shall not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

(3) The Corporation may if they think fit carry on the omnibuses passengers' luggage and small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but they shall not carry any other goods or animals.

(4) The fares and charges for the time being authorised under the provisions of this Act shall be paid to such persons and in such manner as the Corporation may by notice annexed to the list of fares and charges appoint.

**34.** The Corporation shall every year within three months after the closing of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway trolley vehicle and omnibus undertakings. Accounts to  
be furnished  
to Minister  
of Trans-  
port.

**35.** All byelaws made by the Corporation under the provisions of this Part of this Act shall be made subject to and in accordance with the provisions of the Tramways Act 1870. Byelaws  
under this  
Part of this  
Act.

**36.** Nothing contained in this Act or anything which may be done thereunder shall relieve the Corporation from any obligations which they are now under in pursuance of section 28 of the Tramways Act 1870 or As to road  
mainten-  
ance.

A.D. 1924. — otherwise to maintain any portion of road for the maintenance of which a railway company would otherwise be responsible.

PART III.

ELECTRICITY.

Application  
of Electric  
Lighting  
Acts.

**37.**—(1) Subject to the provisions of this Act sections 2 and 3 of the Electric Lighting Act 1888 relating to the purchase of the undertaking by the local authority shall not apply to the Corporation or to their electricity undertaking.

(2) The undertaking authorised by the Order of 1892 and this Part of this Act and the Corporation in respect thereof shall be subject to the provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act and so much of the Order of 1892 as is inconsistent with those provisions or this Act is hereby repealed without prejudice to anything done or suffered thereunder.

Added area  
of supply.

**38.**—(1) There shall be added to the area of supply for the purposes of the Order of 1892 the urban district of Hurst and the rural district of Limehurst in the county palatine of Lancaster and the Corporation may within or in respect of the said areas exercise all or any of the powers conferred upon the Corporation by the Order of 1892 and subsequent Acts in relation to their electricity undertaking.

(2) The Corporation shall within six months from the passing of this Act deposit at the office of the Electricity Commission an Ordnance map on a scale of not less than six inches to the mile showing the boundaries of the area which is added to the said area of supply under the provisions of this section.

Compulsory  
works.

**39.**—(1) The streets and parts of streets throughout which the Corporation are to place suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the passing of the special order as mentioned in section 21 (Mains &c. to be laid down in streets specified in special order and in remainder of area of supply) of the schedule to the Electric Lighting (Clauses) Act 1899 are set forth in the First Schedule to this Act.



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(2) If at the expiration of three years from the passing of this Act or within such extended period as the Minister of Transport by order may allow the Corporation shall not have laid down distributing mains in any of the townships of Alt Bardsley Hartshead Little Moss and Woodhouses in the rural district of Limehurst the Minister of Transport may by order as aforesaid prescribe that the powers by this Act conferred upon the Corporation in the township or townships in which distributing mains shall not have been laid down shall cease as from the date of the said order.

40.—(1) The Corporation may subject to the provisions of the Order of 1892 as amended by this Act and of the Electricity (Supply) Acts 1882 to 1922 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the electricity limits sub-stations and transforming stations in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations and transforming stations as may be necessary or convenient.

Power to construct electrical sub-stations under streets.

(2) No sub-station or transforming station shall be constructed so as to interfere with or render less convenient the access to or exit from any station or depôt of any railway company or upon or under any bridge of a railway company or the approaches thereto except with the consent in writing of such company.

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

Power to recover charge for reconnecting.

42.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement Provided that before

Provisions as to supply of electricity by agreement.

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*Corporation Act, 1924.*

A.D. 1924. — discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation :

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the commencement of this Act of any right to which he would be entitled but for the said provisions.

Amendment of section 23 of Act of 1902. **43.** Section 23 (Supply of electrical energy for traction purposes) of the Act of 1902 shall be read and have effect as if the words " railways or " were inserted in the said section before the word " tramways " :

Provided that any electricity supplied under any agreement made in pursuance of the said section shall not be used by any company body or person receiving such supply in such manner as to cause or be likely to cause any interference (whether by induction or otherwise) with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line. But this proviso shall not apply to any company body or person authorised to use electricity by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of the telegraphic lines of the Postmaster-General in respect of the use of electricity.



44.—(1) Nothing in this Part of this Act shall in any way limit or affect the existing powers of the London and North Eastern Railway Company the London Midland and Scottish Railway Company and the Oldham Ashton-under-Lyne and Guide Bridge Junction Railway Company (each of whom is in this section referred to as “the company”) to rebuild alter widen or repair the structure of any bridge upon which any work shall be constructed under or in pursuance of this Part of this Act or impose upon the company any liability which was not by law imposed upon them prior to the passing of this Act.

A.D. 1924.  
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For additional protection of London and North Eastern and other Railway Companies.

(2) If at any time the company require under statutory powers existing at the passing of this Act to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any work constructed under or in pursuance of this Part of this Act they shall prior to the commencement of such works give the Corporation one month’s notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Corporation of electrical energy it shall be necessary temporarily to remove the mains and other electrical appliances belonging to the Corporation from such bridge then the Corporation shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or the traffic on the railway of the company or unreasonably interfere with the works to be carried out by the company.

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

(4) If any dispute arises between the company and the Corporation under this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Minister of Transport.

#### PART IV.

##### MARKETS FAIRS AND SLAUGHTER-HOUSES.

45. The Corporation without prejudice to their existing powers with regard to markets and fairs shall have the

Powers of Corporation

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*Corporation Act, 1924.*

A.D. 1924. following powers in relation to the markets and fairs held by them (namely):—

as to  
markets  
and fairs.

- (1) They may continue the markets and fairs held in the streets of the borough and elsewhere at the passing of this Act and may from time to time hold markets on such and so many days of the week as they may think fit and alter the places at which the markets respectively are or may be held and may establish and hold new markets provided that the limits of the markets and fairs shall be the borough :
- (2) In extension of or in connection with or as part of their existing covered market they may erect or provide and maintain offices shops stores warehouses and other tenements or buildings.

Power to  
lease stalls  
shops &c.  
in markets.

**46.** The Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of any of the stalls standing places benches or other conveniences in their market or in any market-house market-hall or market-place belonging to them or under their control to any person for any term not exceeding three years and may grant leases (with a similar right) of any office shop store warehouse tenement or building situate in any of their markets or forming part of or acquired or erected in connection with the markets undertaking to any person for such term as the Corporation may think fit.

Use of  
market-  
place for  
public  
meetings  
&c.

**47.** The Corporation may permit any market-place or any land used for the purpose of any market or cattle market and any open land belonging to them adjoining thereto to be used for public meetings public services public speaking and public lectures and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto.

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

**48.**—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house which from its situation or construction is in the opinion of the Corporation a nuisance or injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service



of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

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—

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

(c) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the public interests or the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister of Health by that Minister and unless and until that Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

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

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

PART V.

STREETS BUILDINGS SEWERS DRAINS AND  
SANITARY MATTERS.

Repeal of certain provisions of Acts of 1849 and 1886.

**49.**—(1) As from the date upon which the Minister of Health or the Secretary of State (as the case may be) shall sanction byelaws under the provisions of the Public Health Act 1875 or any other Act with regard to the matters referred to in the following sections those sections or so much thereof as is hereinafter indicated shall be repealed and shall cease to have any effect or application within the borough but without prejudice to anything done or suffered to be done thereunder respectively prior to the date of such repeal.

(2) The sections above mentioned are :—

Of the *Ashton-under-Lyne Improvement Act 1849*—

So much of section 13 (12 & 13 Vict. c. 35 incorporated with this Act) as incorporates the *Towns Improvement Clauses Act 1847*;

Of the *Ashton-under-Lyne Improvement Act 1886*—

Section 49 (Back passages to be laid out).

Widening of roads when only one side is built upon.

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



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

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

**51.**—(1) The Corporation may from time to time if it shall appear to them that any public highway may be diverted and turned either entirely or partially so as to make the same nearer or more commodious and the owner of the lands through which such new highway so proposed to be made shall consent thereto in writing under his hand by order divert and turn such public highway either entirely or partially substituting therefor such new highway proposed to be made and on any public highway being so diverted or turned all public and other rights of way and other rights in over or upon so much thereof as shall have been stopped up in consequence of such diversion or turning shall be absolutely extinguished Provided that—

Power to  
divert  
highways  
where  
necessary.

(a) fourteen days before making any order under this subsection the Corporation shall give notice to the Minister of Transport of their intention to make such order and of the proposals to be contained therein ;

(b) any such order shall only be made by the Corporation on such terms as to the vesting of the soil and other matters as may be agreed on between the Corporation and the owners lessees and occupiers of buildings and lands abutting on the highway so proposed to be diverted turned or stopped up.

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

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A.D. 1924. — in the borough There shall be annexed to any such order so posted and published a statement that a plan showing the site of the old highway and of the new highway and the diversion or turning may be inspected at all reasonable hours without payment at the offices of the Corporation naming the address of such offices.

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

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

(5) In any case in which the Corporation fail to agree with all the owners lessees and occupiers of the buildings and lands abutting on a highway which the Corporation propose to divert turn or stop up under the provisions of this section the procedure prescribed by the Highway Act 1835 shall be observed as if this section had not been enacted.

Compensation for injuring lamps &c.

**52.** Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin shall make full compensation to the Corporation for the damage done and the amount of such compensation to an amount not exceeding five pounds shall be recoverable summarily as a civil debt.

Byelaws as to materials and construction of buildings &c.

**53.** The Corporation may make byelaws with respect to the following matters (namely):—

- (1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or



reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act :

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- (2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united :
- (3) The testing of drains of new buildings :
- (4) For securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost.

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

Area of habitable rooms.

**55.**—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such regulations as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon.

Restriction on erection of temporary stands &c.

(2) Any person acting in contravention of this section or offending against such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**56.**—(1) If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

Improper construction or repair of water closet or drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon

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

Prohibiting  
entry of  
petrol &c.  
into sewers.

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

(2) In this section the expression "petroleum spirit" means such crude petroleum oil made from petroleum coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum as when tested in manner set forth in Schedule I. to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

Recon-  
struction  
of drains  
to be  
approved.

**58.**—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain which communicates or is intended or required to communicate with any public sewer or cesspool or other receptacle for drainage except in accordance with the enactments and byelaws relating to the drainage of buildings for the time being in force in the borough.

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

Notice of  
intention  
to repair  
drains.

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



over the drain without giving the like notice of his intention to do so. A.D. 1924.

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

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

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

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 borough.

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

**61.**—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who—

Regulation of manufacture of ice-cream.

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

(b) in the manufacture sale or storage of any such commodity does any act or thing likely

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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 for every such offence to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

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

(4) (a) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or stand in or on which the same are offered for sale as an officer of the Corporation would have under



section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned. A.D. 1924.

(b) Any person refusing entry into or inspection of such premises as aforesaid or refusing inspection of the materials or commodities or articles of food therein or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

**62.**—(1) The Corporation may make byelaws for promoting sanitary and cleanly conditions in the manufacture preparation storage transport or exposure for sale of any article intended to be sold for the food of man. Byelaws  
as to food.

(2) The word "food" in this section shall include every article used for food or drink by man other than drugs or water and any article which ordinarily enters into or is used in the composition or preparation of human food and shall also include flavouring matters and condiments.

(3) Before confirming any byelaws made under this section as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts 1901 to 1920 apply the Minister of Health shall consult the Secretary of State.

(4) At least one month before applying to the Minister of Health for confirmation of any byelaws made under this section applicable to the storage or transport by a railway company of any article intended for the food of man the Corporation shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws.

**63.**—(1) Public notice of the section of this Act of which the marginal note is "Regulation of manufacture of ice-cream" shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. Public  
notice of  
provisions  
of section 61  
of this Act.

(2) The production of copies of the newspapers containing the advertisement shall be sufficient evidence

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that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an officer or servant of the Corporation that the notice required by this section has been affixed outside the town hall and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

Saving for  
railway  
companies.

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

PART VI.

RECREATION GROUNDS &c.

Power to  
provide  
public  
buildings  
&c.

**65.** The Corporation may provide or acquire or may on any pleasure ground or subject to the approval of the Minister of Health on any lands of which for the time being they may be the owners erect and construct or allow to be erected and constructed and hold furnish equip maintain insure and carry on public halls concert halls pavilions bandstands conservatories winter-gardens assembly rooms reading rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms shelters ante-rooms refreshment rooms kitchens cloak-rooms lavatories conveniences and appurtenances and may for any such purposes maintain alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings.

Power to  
charge for  
admission.

**66.** The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of any buildings or enclosures in any of their



parks recreation grounds or lands used for the purposes mentioned in this Part of this Act and they may also make such charges for the use of chairs and for admission to the public halls concert halls pavilions bandstands conservatories winter-gardens assembly rooms reading rooms and conveniences in connection therewith referred to in this Part of this Act as they may deem fit.

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**67.**—(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments athletic meetings exhibitions and amusements and for the sale of refreshments in any public buildings halls or rooms belonging to them or in any park or recreation ground for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Corporation may let any such building belonging to them or any part of such park or recreation ground for the purpose of such concerts entertainments athletic meetings exhibitions or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit.

Provision  
of concerts  
entertain-  
ments &c.

(2) The Corporation may in any park or recreation ground vested in them enclose an area for the purpose of any such concert or other entertainment as aforesaid.

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

(4) The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this section.

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

(6) All expenses incurred by the Corporation under the provisions of this section shall be paid out of the borough fund and borough rate and all moneys received by them thereunder shall be carried to the credit of the borough fund. Provided always that the net amount of

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A.D. 1924. — any payments or contributions made by the Corporation under the provisions of this section after deducting any moneys received by them thereunder shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on property in the borough assessable in that year to the borough rate.

Power to  
appoint  
officers.

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

PART VII.

RATING PROVISIONS.

Commence-  
ment and  
interpre-  
tation.

**69.**—(1) This Part of this Act shall come into operation on the thirty-first day of March nineteen hundred and twenty-five.

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

“The township” means the township of Ashton-under-Lyne;

“The overseers” means the overseers of the township;

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

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

Council to  
be over-  
seers.

**70.**—(1) (a) Notwithstanding anything to the contrary contained in any Act or Order from and after the commencement of this Part of this Act the council shall be the overseers and all powers duties and liabilities exercisable by or attaching to overseers shall be exercisable by and extend and apply to the council acting as overseers:

Provided that—

(i) Any person designated by the Corporation as hereinafter mentioned to perform duties in



relation to the preparation of the jurors' book and the register of electors shall have the powers and duties and be subject to the liabilities of overseers under the enactments relating to these subjects;

- (ii) In the application to the township of section 54 of the Poor Law Amendment Act 1834 the said section shall be read and construed as if for the references therein to any overseer there were substituted references to any guardian representing any ward of the township;
- (iii) In the application to the township of sections 13 to 16 and section 20 of the Lunacy Act 1890 and section 2 of the Lunacy Act 1891 the said sections shall be read and construed as if references therein to an overseer had been omitted therefrom;
- (iv) The town clerk shall have the powers and duties and be subject to the liabilities of an overseer or overseers with respect to the matters specified in the Second Schedule to this Act and any other powers and duties of an overseer or overseers with respect to matters similar in character to the matters specified in the said Second Schedule which may be transferred to the town clerk by order of the Minister of Health who is hereby empowered to make any such order accordingly.

(b) The overseers of the existing township shall go out of office at the commencement of this Part of this Act.

(c) Separate accounts shall be kept of the transactions of the council acting as overseers and the enactments relating to the audit of the accounts of overseers shall apply to such separate accounts.

(2) (a) After the thirty-first day of March nineteen hundred and twenty-five every precept issued by the guardians of the Ashton Union for the purpose of obtaining money which is ultimately to be raised by the council acting as overseers out of the consolidated rate to be raised within the borough under the provisions of this Act shall be sent to the council at their office addressed to the council or the town clerk.

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(b) Any document required to be signed by the overseers may be signed by the town clerk.

(3) References in any Act to the overseers shall be construed as references to the council and the legal interest in all property vested in the overseers (other than property connected with the affairs of the Church or held for an ecclesiastical charity within the meaning of the Local Government Act 1894) shall vest in the council.

(4) Where the overseers as such are either alone or jointly with any other persons trustees of any parochial charity such number of members of the council or other persons not exceeding the number of the overseer trustees as the council may appoint shall be trustees in their place.

Transfer to Corporation of powers of vestry.

71. On the commencement of this Part of this Act all and every right custom privilege or power other than in matters ecclesiastical and in relation to ecclesiastical charities within the meaning of the Local Government Act 1894 vested in or exerciseable by the parishioners ratepayers or inhabitants in vestry assembled of the township shall cease to be so vested or exerciseable and every such right custom privilege or power shall for and within the township be vested in and exerciseable by the Corporation.

Appointment of assistant overseers and other officers.

72.—(1) Subject to the provisions of any order which the Minister of Health may hereafter make the provisions of the orders heretofore made by the Local Government Board and conferring upon the council the power of appointing and revoking the appointment of assistant overseers of the township shall continue to apply.

(2) The council may appoint and remove such officers as they deem necessary to assist in the discharge of the duties of overseers and may fix the remuneration to be paid to such officers.

(3) The registration officer may before the preparation of the autumn register in any year require the Corporation to designate one or more of the assistant overseers or other officers appointed under this section to perform the duties of overseers in relation to the preparation of the jurors' book and register of electors in that year and the Corporation shall forthwith comply with any such requirement of the registration officer



The remuneration of or expenses incurred by any such officer in respect of the performance of such duties shall continue to be payable in accordance with the provisions of the enactments relating to these subjects. A.D. 1924.

(4) (a) Any assistant overseer appointed by the council and all officers appointed or to be appointed by the council to assist in the discharge of the duties of overseers shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Minister of Health shall report thereon annually to the Corporation and such securities shall be deposited with the Corporation and not with the board of guardians.

(b) Assistant overseers appointed by the council shall not be required to give security to the guardians of the Ashton Union under section 61 of the Poor Law Amendment Act 1844.

(5) Any person holding at the commencement of this Part of this Act the office of assistant overseer for the township shall (subject to the provisions of this section) after the commencement of this Part of this Act become an officer of the Corporation acting by the council as overseers.

(6) The Corporation may abolish the office or situation of any person holding the office of assistant overseer which they deem unnecessary and any such person required to perform duties such as are not analogous or which are an unreasonable addition to those which he was required to perform may relinquish his office or situation.

(7) Every person whose office or situation is so abolished or who so relinquishes his office or situation or whose services are dispensed with on the ground that they are not required or for any reason not being on account of any misconduct or incapacity or whose salary wages or remuneration are reduced on the ground that his duties have been diminished or who otherwise suffers any direct pecuniary loss by reason of the provisions of this section shall be entitled to be paid compensation for such pecuniary loss to be determined and paid by the Corporation subject to appeal to the Minister of Health in accordance with the provisions contained in section one hundred and twenty of the Local Government

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A.D. 1924. — Act 1888 relating to compensation to existing officers and those provisions shall apply accordingly as if they were herein re-enacted with the necessary modifications :

Provided that the expression in subsection (1) of section 120 of the Local Government Act 1888 " the Acts and rules relating to Her Majesty's Civil Service " shall mean the Acts and Rules relating to Her Majesty's Civil Service which were in operation at the date of the passing of the Local Government Act 1888 and that in the said section the Minister of Health shall be substituted for the Treasury.

Expenses to be paid out of borough fund.

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

(2) The district fund the improvement fund and the highway fund shall be closed and any balances which at the commencement of this Part of this Act are standing to the credit or to the debit of the district fund the improvement fund or the highway fund respectively or the general district rate the improvement rate or the highway rate respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connection with the district fund or the general district rate the improvement fund or the improvement rate the highway fund or the highway rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when



received by the Corporation shall be carried to the credit of the borough fund. A.D. 1924.

(3) The following provisions of the Ashton-under-Lyne Improvement Act 1849 the Ashton-under-Lyne Improvement Act 1886 and the Act of 1917 are hereby repealed.

*Ashton-under-Lyne Improvement Act 1849—*

- Section XXV. Providing for highway rate.
- Section XXXI. Power to council to levy improvement rates.
- Section XXXII. Rating of railways and canals.
- Section XXXIII. Owners of houses under the value of £5 to pay rates instead of occupiers.
- Section XXXIV. Owners of houses under the value of £10 may compound for rates.
- Section XXXV. Additional exemption from rates.
- Section XXXVI. If rate quashed power to make new rate.

*Ashton-under-Lyne Improvement Act 1886—*

- Section 148 Power to increase highway rate and improvement rate respectively leviable under the Act of 1849.
- Section 150. Corporation may collect borough rate and watch rate.
- Section 151. Buildings erected since last valuation list may be valued and rated.
- Section 152. Rating of owners instead of occupiers in certain cases.
- Section 153. Exemption for railways and canals.
- Second Schedule.

*The Act of 1917—*

- Section 59. Amendment of Local Acts as to improvement rate.

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

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—  
Poor rate to  
be called the  
consolidated  
rate.

**75.** The poor rate (inclusive of the contributions to the borough fund levied in pursuance of the provisions of this Act) shall be called the consolidated rate but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

Differential  
consolidated  
rate in  
certain  
cases.

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

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

(2) Provided that—

(a) During the continuance of the Agricultural Rates Acts 1896 and 1923 the occupier of any agricultural land as defined in the Agricultural Rates Act 1896 shall be liable to pay in each year in respect of such land only twenty-five per centum of the rate in the pound payable in respect of hereditaments not within the provisions of this section ;

(b) If the Agricultural Rates Act 1923 shall expire before the expiration of the Agricultural Rates Act 1896 "forty per centum" shall during the continuance of the latter Act be substituted for "twenty-five per centum" in paragraph (a) of this subsection ;

(c) During the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall



have effect within the township as if the following provision were substituted for section 1 thereof (that is to say):—

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“The owner of tithe rentcharge attached to a benefice shall be liable to pay only forty sixty-sevenths of the amount payable under the section of the Ashton-under-Lyne Corporation Act 1924 of which the marginal note is ‘Differential consolidated rate in certain cases’ in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining twenty-seven sixty-sevenths thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of the estate duty grant.”

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

(a) The share of the annual grant payable under the Agricultural Rates Act 1896 to any spending authority or save as expressly provided in this Act the operation of that Act; or

(b) The operation of the Agricultural Rates Act 1923 or the power of the Minister of Health to estimate as respects each half year after the commencement of this Part of this Act the amount of the deficiency which would have arisen by reason of section 1 of that Act if this Act had not been passed in the produce of any rate for the purpose of the issue from the local taxation account of the share of any spending authority in the additional annual grant under the Agricultural Rates Act 1923; or

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

(d) the amount of the contribution for any purposes to be made by the township out of the consolidated rate.

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Appeals.

**77.**—(1) If any occupier referred to in subsection (1) of the section of this Act of which the marginal note is “Differential consolidated rate in certain cases” claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions for the county palatine of Lancaster holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days’ notice in writing of such appeal and of the grounds thereof be given by the appellant to the Corporation and the overseers.

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

Discount on consolidated rate.

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

Provided also that notice of this enactment shall be endorsed on every demand note for rates.

Form of rate &c. to be prescribed by Minister of Health.

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

Application of section 133 of Lands Clauses Consolidation Act 1845.

**80.** For the purposes of section 133 (Until completion of works promoters shall make good any deficiency of land tax and poor’s rate caused by lands being taken) of the Lands Clauses Consolidation Act 1845 the poor’s rate shall be deemed to be sixty per centum of the amount in the pound of the consolidated rate.



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

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As to  
recovery of  
consolidated  
rate.

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

Service of  
demands.

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

Rating of  
owners  
instead of  
occupiers.

(a) where the rateable value of the property does not exceed ten pounds; or

(b) where the premises are let in separate apartments; or

(c) where the rents are collected weekly :

Provided that—

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

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

(2) When the Corporation exercise their powers under this section they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner and the owner shall pay the rate accordingly and during the

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— currency of any such notice the provisions of this section shall apply within the borough in substitution for the provisions with regard to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869.

Overseers  
may require  
returns.

**84.**—(1) The overseers of the township 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 Third 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 revaluation for rating) the powers conferred by this section shall only be exercised—

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

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this section within fourteen days after receipt of such notice as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings 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 shall whenever required by the assessment committee of the Ashton Poor Law Union produce from time to time to such committee the returns or any of them obtained by the overseers under the provisions of this section.



(4) Nothing in this section shall require a railway company to include in any return which they may be required to send to the overseers particulars with respect to their running lines sidings or stations or any hereditaments therein. A.D. 1924.

**85.** In addition and without prejudice to any other powers which may be exercised by them the overseers of the township may amend the consolidated rate of the township by inserting therein the name of any person claiming or entitled to have his name inserted or by inserting the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been assessed or by raising or reducing the sum at which any person has been assessed if it appears to the overseers that he has been under-rated or over-rated or by making any other alteration which would make the rate conformable to the provisions of this Act and no such amendment shall be held to avoid the rate: Amend-  
ment of  
consolidated  
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 the amount of whose rate is increased by the amendment or whose name is thereby newly inserted until seven days after such notice has been given to him.

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

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PART VIII.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

Power to borrow.

**87.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and 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 provision of trolley vehicles.	£ 16,000	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	10 years from the date or dates of borrowing.
(b) For the provision of electrical equipment for working the trolley vehicles authorised by this Act.	4,025	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	20 years from the date or dates of borrowing.
(c) For reinstatement of roads on certain trolley vehicle routes.	6,503	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	30 years from the date or dates of borrowing.



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1.	2.	3.	4.
Purpose.	Amount.	Charge.	Period for Repayment.
(d) For the provision of omnibuses.	£ 10,000	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	8 years from the date or dates of borrowing.
(e) For mains wires and apparatus in connection with the supply of electricity.	8,720	The revenue of the electricity undertaking of the Corporation and the borough fund and borough rate.	25 years from the date or dates of borrowing.
(f) For and in connection with the extension of the covered market and the erection of offices shops and buildings as part thereof.	15,690	The revenue of the market undertaking of the Corporation and the borough fund and borough rate.	30 years from the date or dates of borrowing.
(g) For paying the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	5 years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of the tramway undertaking of the Corporation (which expression includes for this purpose their trolley vehicle and omnibus undertakings) and with the consent of the Electricity Commissioners may borrow such further money as may be necessary for any of the purposes of the electricity undertaking of the Corporation and may with the consent of the Minister of Health borrow such further money as may be necessary for any of the other purposes of this Act.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of

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A.D. 1924. interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister or Commissioners with whose consent the money is borrowed.

(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 or Commissioners with whose consent it is borrowed.

(3) The provisions of this section prescribing the revenue funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 48 (Power to use one form of mortgage for all purposes) of the Act of 1917.

Protection  
of lender  
from  
inquiry.

**88.** A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provisions of any Act relating to the Corporation or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Receipt in  
case of  
persons  
not sui  
juris.

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

Applica-  
tion of  
provisions  
of Act of  
1917.

**90.** The following sections of the Act of 1917 shall with any necessary modifications extend and apply to the exercise of the powers of this Act (other than those conferred upon the Oldham Corporation) in the same manner as if those sections had been re-enacted in this Act (namely):—

- Section 41 (Section 234 of Public Health Act 1875 not to apply);
- Section 42 (Mode of raising money);
- Section 43 (Provisions of Public Health Act 1875 as to mortgages to apply);
- Section 44 (Mode of payment off of money borrowed);
- Section 45 (Sinking fund);
- Section 46 (Appointment of receiver);
- Section 47 (Application of money borrowed);
- Section 53 (Corporation not to regard trusts);
- Section 57 (Expenses of execution of Act);



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Section 58	(Audit of accounts);	A.D. 1924.
Section 63	(Consent of Corporation to be in writing);	—
Section 64	(Evidence of appointments and authority);	
Section 65	(In executing works for owner. Corporation liable for negligence only);	
Section 66	(Apportionment of expenses in cases of joint owners);	
Section 67	(Determination of compensation);	
Section 68	(Inquiries by Local Government Board) Provided that for the purposes of this Act subsection (2) of the said section 68 shall be read and have effect as if the words "five guineas" were substituted for the words "three guineas" therein;	
Section 69	(Application of Arbitration Act 1889);	
Section 70	(Application of section 265 of Public Health Act 1875);	
Section 71	(Recovery of fines and expenses);	
Section 72	(Recovery of demands in county court);	
Section 73	(Informations by whom to be laid);	
Section 74	(Judges not disqualified);	
Section 75	(Saving for indictments &c.); and	
Section 76	(Powers of Act cumulative).	

**91.**—(1) The Oldham Corporation may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes of providing trolley vehicles and electrical equipment for working the same the sum of six thousand pounds and all moneys so borrowed shall be chargeable on the revenue of the tramway undertaking of the Oldham Corporation and the borough fund and borough rate of their borough and shall be repaid in the case of trolley vehicles within ten years and in the case of electrical equipment within twenty years from the respective date or dates of borrowing the same.

Power to  
 Oldham  
 Corpora-  
 tion to  
 borrow and  
 repayment  
 of borrowed  
 moneys.

(2) The Oldham Corporation may also with the sanction of the Minister of Transport borrow such further moneys as may be necessary for the purposes of this

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A.D. 1924. Act and any moneys borrowed under the powers of this subsection shall be chargeable on the said revenue fund and rate and shall be repaid within such periods not exceeding sixty years as may be prescribed by that Minister.

(3) Section 61 (Mode of raising money by Oldham Corporation) and section 62 (Incorporation of provisions of Acts of Oldham Corporation) of the Oldham and Rochdale Corporations Water Act 1923 shall so far as applicable extend and apply to and in respect of moneys borrowed by the Oldham Corporation under this section as if they were re-enacted herein.

Consolidated loans fund.

**92.**—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order as from the thirty-first day of March nineteen hundred and twenty-five or as from any succeeding thirty-first day of March the Corporation may if they think fit establish a fund to be called “the consolidated loans fund” to which shall be paid as and when they are received—

- (a) All moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys temporarily borrowed without security in connection with the exercise of duly authorised borrowing powers;
- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except of such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the thirty-first day of March as from which the consolidated loans fund shall be established.



(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation— A.D. 1924.

(a) In the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; or

(b) In the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation :

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

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

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

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

**93.** Section 52 (Returns as to sinking funds) of the Act of 1917 shall be read and have effect as if the words "and not raised by the issue of stock" were omitted therefrom. Amendment of section 52 of Act of 1917.

**94.**—(1) All principal moneys shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation. Security for principal moneys.

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

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As to section 234 of Public Health Act 1875.

Apportionment of items.

Subscriptions to local government associations and other expenses.

**95.** In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Corporation may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Corporation under those Acts.

**96.** In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as may be reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time it appears to them ought to be so apportioned or carried.

**97.—**(1) The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882—

- (a) Reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;
- (b) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

(2) The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary nursing institution or other institution of a similar character such sum or sums as they may from time to time think fit not exceeding in any year the amount which would be produced by the levying of a borough rate of one penny in the pound and



to charge the amount of any such subscription to or appportion the same among all or any of their funds and revenues. A.D. 1924.  
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(3) Section 60 (Power to apply funds for certain purposes) of the Act of 1917 is hereby repealed.

**98.** The provisions of Part IV. of the Public Health Acts Amendment Act 1890 shall apply in addition to the places mentioned in section 51 (Music and dancing licences) of that Act to places ordinarily used for boxing and boxing displays to which the public are admitted on payment or otherwise. As to  
licensing of  
premises  
used for  
boxing.

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

**100.** If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part V. (Streets buildings sewers drains and sanitary matters) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work. Penalty on  
occupier  
refusing  
execution of  
Act.

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

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

As to breach of conditions of consent of Corporation.

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

Penalties to be paid over to treasurer.

**103.** All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the borough fund or to such other fund as the Corporation shall direct.

Summons or warrant may contain several sums.

**104.** 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.

**105.** 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 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 Corpora-



tion under the powers of this Act except byelaws made under the provisions of Part II. of this Act. A.D. 1924.

**106.** 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 or any existing Act or Order of the Corporation the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board." Inquiries by Minister of Transport.

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

**108.** Nothing in this Act shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment. Saving for charitable endowments.

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

A.D. 1924. The SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

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STREETS AND PARTS OF STREETS THROUGHOUT WHICH  
THE CORPORATION ARE TO PLACE SUITABLE AND  
SUFFICIENT DISTRIBUTING MAINS WITHIN TWO YEARS.

IN THE URBAN DISTRICT OF HURST.

Union Road.  
Lower King Street.  
Queen Street.  
Higher King Street from the commencement of the street to  
a point near "Rose Hill Cottage."  
Curson Road.  
Broadoak Road from the commencement of the road near the  
"Old Ball Inn" to a point near "Spring Bank."  
Henrietta Street.  
Cranbourne Terrace.  
Waterloo Street.  
Chapel Street.

IN THE RURAL DISTRICT OF LIMEHURST.

Oldham Road from the Ashton borough boundary to a point  
near Oaken Clough.  
Taunton Road.  
Cranbourne Road.  
Atlas Street.  
Newmarket Road from Oldham Road to a point near  
"Taunton Hall."  
Wilshaw Lane from Oldham Road to a point about one  
hundred yards therefrom.

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**THE SECOND SCHEDULE.**

A.D. 1924.

**DUTIES OF OVERSEERS TRANSFERRED TO TOWN  
 CLERK.**

Subject Matter.	Act &c. imposing the Duty.
Liquor licences - - -	Licensing (Consolidation) Act 1910 sections 15 and 25.
Pawnbrokers' certificates -	Pawnbrokers Act 1872 section 42.
Notices under Education Act	Education Act 1921 section 161.
Army Reserve - - -	Reserve Forces Act 1882 section 24.
Territorial Army - - -	Territorial and Reserve Forces Act 1907 section 19.
Air Force Reserve - - -	{ The two last-mentioned enactments as applied by or under any other Act.
Auxiliary Air Force - - -	

**THE THIRD SCHEDULE.**

**RETURN OF RENT OR ANNUAL VALUE AND OF OTHER  
 PARTICULARS TO BE RENDERED UNDER THE  
 ASHTON-UNDER-LYNE CORPORATION ACT 1924.**

1. Name of the street or road &c. in which the property is situate - Number of the house - - - - (If not numbered state the name by which known.) Whether occupied with or without stables or other premises as part of the same property - - - The quantity of land (if any) and how used - - - - -	
2. Full Christian name and surname of occupier - - - - -	
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.)	





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11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -

A.D. 1924.

12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - -  
(If each undertakes to bear part only of the cost of repairs state the particulars.)

DECLARATION.

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

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