



CHAPTER lxxxviii.

An Act to empower the mayor aldermen and burgesses of the county borough of Hastings to construct additional waterworks and to execute street improvements to make further provision in regard to the water and electricity undertakings of the Corporation to make further provision for the improvement health and good government of the borough to consolidate the parishes and rates of the borough and for other purposes. [7th August 1924.]

A.D. 1924.

WHEREAS the borough of Hastings (in this Act called "the borough") is a county borough subject to the Acts relating to municipal corporations and is under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") acting by the council :

And whereas the several local Acts and Provisional Orders confirmed by Parliament mentioned in the First Schedule to this Act (save so far as any of them is amended by any later Act or Order among the same) are in force within the borough which Acts and Orders are in this Act referred to collectively as "the former Acts" and each of them separately as an Act or Order of the year in which the same was passed or made :

And whereas the Corporation are the owners of the water undertaking of the borough and under the

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A.D. 1924. powers of certain of the former Acts supply water
— within the borough :

And whereas the supply of water from the present waterworks of the Corporation is inadequate to meet the present and growing demand of the inhabitants of the borough and it is expedient that the Corporation should be empowered to make and maintain the waterworks described in this Act and to acquire lands and easements for the purposes thereof and for the general purposes of their water undertaking :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their water undertaking :

And whereas it is expedient that the Corporation should be empowered to execute the street improvements described in this Act and to acquire lands therefor :

And whereas it is expedient that the Corporation should be empowered to acquire lands for the other purposes specified in this Act :

And whereas the Corporation are the owners of the electricity undertaking of the borough and under powers conferred upon them by the Order of 1898 supply electricity within the borough and it is expedient that further powers should be conferred upon the Corporation with respect to their electricity undertaking :

And whereas it is expedient to empower the Corporation to erect concert halls and other buildings and to provide and arrange for the provision of entertainments therein and to confer further powers upon the Corporation with regard to their parks and recreation grounds and the foreshore of the borough :

And whereas it is expedient to confer powers upon the Corporation with reference to the provision of Turkish medical seawater freshwater and other baths in the borough :

And whereas it is expedient to make further and better provision with regard to the improvement health and good government of the borough and that the powers of the Corporation in regard thereto should be enlarged as is provided in this Act :

And whereas the borough at present comprises the parish of Hastings forming part of the poor law union

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of Hastings and the parish of Hollington Saint John forming part of the poor law union of Battle and it would be of public and local advantage to consolidate these parishes into one parish for all purposes other than ecclesiastical purposes and to include the parish as so consolidated in the poor law union of Hastings : A.D. 1924.

And whereas by virtue of an Order of the Local Government Board dated the twenty-ninth day of September one thousand nine hundred and nine and made under the provisions of section 33 of the Local Government Act 1894 the Corporation are empowered to appoint and to revoke the appointment of assistant overseers of the existing parishes of Hastings and Hollington Saint John :

And whereas it is expedient to constitute the council of the borough overseers of the parish as so consolidated and to make provision for the consolidation of the rates levied in the area of the borough :

And whereas it is expedient that further borrowing powers for the purposes of this Act and for the other purposes hereinafter referred to should be conferred upon the Corporation :

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 construction of waterworks	165,716
For the acquisition of lands and easements therefor - - - - -	15,070
For the execution of street improvements	137,774
For the acquisition of lands and easements therefor - - - - -	64,763

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 :

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Hastings Corporation Act 1924.

Division of Act into Parts.

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

- Part I.—Preliminary.
- Part II.—Water.
- Part III.—Street improvements &c.
- Part IV.—General provisions as to works.
- Part V.—Lands.
- Part VI.—Electricity.
- Part VII.—Streets buildings sewers drains &c.
- Part VIII.—Infectious disease and sanitary provisions.
- Part IX.—Slaughter-houses.
- Part X.—Food.
- Part XI.—Recreation grounds foreshore &c.
- Part XII.—Baths.
- Part XIII.—Police provisions.
- Part XIV.—Consolidation of parishes.
- Part XV.—Rating.
- Part XVI.—Finance.
- Part XVII.—Miscellaneous.

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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 and for the purposes of such incorporated Acts this Act shall be deemed to be the special Act within the meaning of any such Acts and "the promoters of the undertaking" "the undertakers" "the company" or "the commissioners" where used in those Acts shall mean the Corporation (that is to say) :—

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—
Incorporation of
Acts.

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

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

(B) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The Waterworks Clauses Act 1847 except—

(A) The words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44;

(B) Sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit);

(C) Section 83 (with respect to the yearly receipt and expenditure of the undertakers) :

(3) The Waterworks Clauses Act 1863 :

(4) The clauses and provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and also section 16 (Works to be executed) of that Act :

Provided that in the said provisions of the Railways Clauses Consolidation Act 1845 "the railway" shall

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A.D. 1924. — mean the waterworks authorised by this Act and “ the centre of the railway ” shall mean the centre lines as shown on the deposited plans of the aqueducts conduits or lines of pipes authorised by this Act and “ the prescribed limits ” for the purposes of section 30 shall be 400 yards and for the purposes of section 32 400 yards.

Interpreta
tion.

4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act or by the Public Health Acts meanings are assigned shall in this Act have the same respective meanings And in this Act—

“ The borough ” means the county borough of Hastings;

“ The mayor ” “ the council ” mean respectively the mayor and the town council of the borough;

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

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

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

“ The former Acts ” means the Acts and Provisional Orders confirmed by Parliament relating to the borough as set out in the First Schedule to this Act except any part of any such Acts or Orders repealed by any subsequent Act or Order and each of such Acts and Orders is in this Act referred to as the Act or the Order of the year in which the same was passed or made;

“ The deposited plans ” “ the deposited sections ” and “ the deposited book of reference ” mean

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respectively the plans sections and book of reference deposited in relation to the Bill for this Act; A.D. 1924.

“The waterworks” means the waterworks and the works in connection therewith authorised by this Act;

“The water undertaking” means the water undertaking of the Corporation as from time to time authorised;

“The water limits” means the limits within which the Corporation are for the time being authorised to supply water;

“Water revenue” means all moneys received by the Corporation in respect of the water undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

“The electricity undertaking” means the electricity undertaking of the Corporation as from time to time authorised;

“The electricity limits” means the limits within which the Corporation are for the time being authorised to supply electricity and such limits shall be deemed to be the area of supply within the meaning of the schedule to the Electric Lighting (Clauses) Act 1899;

“Electricity revenue” means all moneys received by the Corporation in respect of the electricity undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

“The entertainments undertaking” means the undertaking carried on by the Corporation under and subject to the provisions of the section of this Act of which the marginal note is “Provision of entertainments” and all such property from time to time held by the Corporation as shall be appropriated by the Corporation for the purposes of such undertaking and includes the caves known as the St. Clement’s Caves the letting of chairs by the Corporation the provision of sea bathing facilities and the carrying on (after the determination of the existing leasehold interest) of the White Rock baths;

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- “Entertainments revenue” means all moneys received by the Corporation in respect of the entertainments undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;
- “Street” includes road esplanade promenade or parade;
- “Park” includes any public park pleasure ground playground or recreation ground belonging to the Corporation;
- “The Lands Clauses Acts” means the Lands Clauses Acts as varied by the Acquisition of Land (Assessment of Compensation) Act 1919;
- “The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- “Offensive trade” means any trade which is for the time being an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907;
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;
- “Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday;
- “Child” means a person under the age of fourteen years;
- “Food” includes every article other than water used for food or drink by man;
- “Hackney carriage” has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus as defined in the Town Police Clauses Act 1889 or any duly licensed tramcar in the ownership of the Hastings Tramway Company;
- “Motor hackney carriage” means any hackney carriage moved by power not being animal power;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878; A.D. 1924.

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

“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;

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

(A) borrowing or continuing on loan or reborrowing money; or

(B) redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money

for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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

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

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“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and the Acts amending and extending the same;

“Local enactment” includes this Act and any local Act Provisional Order byelaw or regulation for the time being in force within the borough.

PART II.

WATER.

Power to
construct
works.

5. Subject to the provisions of this Act the Corporation may in the county of East Sussex and in the lines and situations shown upon the deposited plans and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works (that is to say):—

Work No. 1 A well or wells and pumping station in the urban district of Battle in the field or enclosure numbered 228 in the parish of Battle on the $\frac{1}{2500}$ scale Ordnance map 1909 edition (Sussex (East) sheet XLIV. 13) at a point 3 chains or thereabouts measured in a south-easterly direction from the north-west corner of the said field or enclosure and 2·4 chains or thereabouts measured in a north-easterly direction from the south-west corner of the said field or enclosure:

Work No. 2 An aqueduct conduit or line or lines of pipes commencing in the urban district of Battle at or in the intended well or wells and pumping station (Work No. 1) hereinbefore described and terminating in the parish of Sedlescombe in the rural district of Battle at a point in the western boundary of the field or enclosure numbered 100 in the parish of Sedlescombe on the $\frac{1}{2500}$ scale Ordnance map 1909 edition (Sussex (East) sheet XLIV. 13) ·90 chain or thereabouts measured in a northerly direction from the south-west corner of the said field or enclosure and 8·65 chains or thereabouts measured in a south-westerly direction from the north-east corner of the said field or enclosure:

Work No. 3 An aqueduct conduit or line or lines of pipes commencing in the parish of Sedlescombe in the rural district of Battle by a junction with

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the intended aqueduct conduit or line or lines of pipes (Work No. 2) at the point of termination thereof hereinbefore described and terminating in the parish of Brede in the rural district of Rye in the existing aerating fountain at the Corporation's Brede pumping station in the enclosure numbered 783 in the parish of Brede on the $\frac{1}{2500}$ scale Ordnance map 1909 edition (Sussex (East) sheet XLIV. 14):

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Work No. 4 A well or wells and pumping station in the parish of Westfield in the rural district of Battle in the field or enclosure numbered 432 in the parish of Westfield on the $\frac{1}{2500}$ scale Ordnance map 1909 edition (Sussex (East) sheet LVIII. 1) at a point 1.50 chains or thereabouts measured in a north-westerly direction from the northern corner of the field or enclosure numbered 431 in that parish on that Ordnance map and 4.80 chains or thereabouts measured in a south-westerly direction from the footbridge leading from the said field or enclosure numbered 432 to the field or enclosure numbered 495 in that parish on that Ordnance map:

Work No. 5 An aqueduct conduit or line or lines of pipes in the parish of Westfield in the rural district of Battle commencing at or in the intended well or wells and pumping station (Work No. 4) hereinbefore described and terminating at a point in the eastern boundary of the field or enclosure numbered 432 in the parish of Westfield on the $\frac{1}{2500}$ scale Ordnance map 1909 edition (Sussex (East) sheet LVIII. 1) .20 chain or thereabouts measured in a northerly direction from the north corner of the field or enclosure numbered 428 in that parish on that Ordnance map and .20 chain or thereabouts measured in a southerly direction from the south-west corner of the enclosure numbered 427 in that parish on that Ordnance map:

Work No. 6 An aqueduct conduit or line or lines of pipes commencing in the parish of Westfield in the rural district of Battle by a junction with the intended aqueduct conduit or line or lines of pipes (Work No. 5) at the point of termination

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thereof hereinbefore described and terminating in the parish of Brede in the rural district of Rye in the existing aerating fountain at the Corporation's Brede pumping station in the enclosure numbered 783 in the parish of Brede on the $\frac{1}{2500}$ scale Ordnance map 1909 edition (Sussex (East) sheet XLIV. 14).

Subsidiary works.

6. In addition to the foregoing works the Corporation may upon the lands for the time being belonging to them for the purposes of the water undertaking or over which they may obtain easements make and maintain all such cuts channels catchwaters tunnels adits conduits pipes culverts drains sluices byewashes shafts water towers overflows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches telegraphs telephones and other means of electric communication engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

7. In the construction of the works authorised by this Part of this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards.

Period for completion of works.

8. If the works authorised by this Part of this Act and delineated on the deposited plans are not completed within the period of ten years from the passing of this Act then on the expiration of that period the powers by this Part of this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to so much of them or so much thereof respectively as shall then be completed.

Power to take water.

9. Subject to the provisions of this Act the Corporation may by means of the waterworks collect impound take use divert and appropriate for the purposes of the water undertaking all such underground waters as may be intercepted by any of the wells by this Act authorised or any work subsidiary thereto respectively.

10. The Corporation shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired by them unless the works and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

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Limiting powers of Corporation to abstract water.

11. Subject to the provisions of this Act the waterworks shall for all purposes whatsoever (inclusive of the levying and recovery of water rents rates and charges) be deemed part of the water undertaking as if they had been authorised by or included or referred to in the former Acts.

Waterworks to form part of water undertaking.

12.—(1) The Corporation may on all or any of the lands for the time being held by them in connection with the water undertaking execute for the purposes thereof or in connection therewith any of the works and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847.

Exercise of powers of section 12 of Waterworks Clauses Act 1847.

(2) Provided that the Corporation shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

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

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

(2) Provided that the Corporation shall not create or permit the creation or continuation of any nuisance on any lands acquired under this section nor without the approval of the Minister of Health erect or permit the erection of any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

(3) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of

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A.D. 1924. — intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer watercourse or other works and conveniences under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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

Discharge of
water into
streams.

14.—(1) For the purposes of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir well adit aqueduct line of pipes or other work of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

Application
of Water-
works
Clauses Act
1847.

15. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the aqueducts conduits or lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down for the purposes of the water undertaking :

Provided that the Corporation shall not lay down any such discharge pipes telephone or telegraph posts

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wires conductors or apparatus in through across or under any road bridge or approach of a railway company except with the consent in writing of such company which consent shall not be unreasonably withheld and under the superintendence if given and to the reasonable satisfaction of the principal engineer of such company and if any difference arises as to whether such consent is unreasonably withheld or whether the requirements of the said principal engineer are reasonable or otherwise such difference shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

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16. Any telephone or telegraph posts wires conductors apparatus or other means of electric communication laid down erected made or maintained under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall not be installed or worked in contravention of the provisions of the Wireless Telegraphy Act 1904 or any statutory re-enactment or modification thereof or be constructed in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General.

For
protection
of Post
master-
General.

17.—(1) If it shall be proved by the owner (which term shall include any lessee or occupier and the county council of East Sussex) that the pumping by the Corporation during the construction or use of any of the pumping stations by this Act authorised has caused any diminution of the supply of water from any well borehole pond pool spring stream or watering place or other source of supply existing at the date of the passing of this Act (such source of supply being situate within a radius of two miles from any of such stations in this section called "the protected area") the Corporation shall upon the written request of the owner of any such source of supply afford to the owner a supply of water equal to the amount of such diminution at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall be the same (as nearly as may be) after as before the construction of such pumping stations the pumping from which has caused such diminution and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

Provision
where local
sources of
supply
affected.

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(2) For the purpose of affording a supply of water under this section within the protected area the Corporation may supply water beyond the water limits and carry out all works necessary for that purpose.

(3) The Corporation may if they think fit in lieu of making good the diminution of such supply deepen any affected well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution and the owner shall without making any charge therefor give the Corporation access and every facility for carrying out such deepening borings or headings and in the event of any such deepening borings or headings increasing the cost of obtaining or continuing to obtain such supply the Corporation shall pay to the owner the amount of such increase.

(4) If the Corporation do not afford such supply equal to the diminution as aforesaid they shall make compensation in money to any such owner for such diminution and they shall also make like compensation for any injury caused to such owner by the exercise by the Corporation of the powers conferred by the last preceding subsection the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided.

(5) The owner shall afford the officers servants or other representatives of the Corporation at all reasonable times after the passing of this Act access to the source of supply in respect of which any claim is made under this section for the purpose of ascertaining particulars thereof and the level of the water therein.

(6) The Corporation shall not be liable in respect of any claim made by the owner under this section if he shall after reasonable demand have refused to afford to the officers servants or other representatives of the Corporation at all reasonable times after the passing of this Act access to the source of supply in respect of which the claim is made for the purpose of ascertaining particulars thereof and the level of the water therein.

(7) Any expenses incurred by the county council of East Sussex under or for the purposes of this section shall be deemed to be expenses incurred for general county purposes.

(8) Any question or dispute arising under this section shall be referred to and determined by a single arbitrator to be agreed upon between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

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18.—(1) The provisions of section 50 (For protection of East Sussex County Council) of the Act of 1911 shall extend and apply as if each of the pumping stations by this Act authorised were pumping stations referred to in that section.

For
protection
of East
Sussex
County
Council.

(2) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall in constructing and maintaining so much of the aqueduct conduit or line or lines of pipes (Work No. 3) by this Act authorised as may be constructed below the main road leading from Hastings to Sedlescombe so construct and maintain the same as that there shall be a depth of at least three feet six inches between the surface of the said main road and any part of the said Work No. 3 which shall be constructed thereunder.

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

For further
protection
of East
Sussex
County
Council

- (1) All new mains pipes and works (not being replacements of existing mains pipes and works) to be laid in or along any such road or in upon or across any such bridge or approach shall be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct:
- (2) The notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall except in case of emergency as regards any such road bridge or approach be not less than seven days instead of three days:

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- (3) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate or improve any main road or the approaches to any county or main road bridge in or along which any mains pipes or works of the Corporation shall have been laid and in the event of any such main road or approaches being altered deviated or improved as aforesaid the Corporation shall with all reasonable despatch on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works in the manner and to the extent reasonably prescribed by such notice or as in case of difference shall be determined in the manner hereinafter prescribed and the county council shall repay to the Corporation the expense reasonably incurred by the Corporation in effecting any such alteration of the position of any such mains pipes or works :
- (4) Nothing in this Act contained shall interfere with the right of the county council at any time to remove alter rebuild widen or repair any county or main road bridge or the roadway over the same over or near or attached to which any mains pipes or works of the Corporation are carried in the same manner as they might have removed altered rebuilt widened or repaired such bridge or the roadway over the same if this Act had not passed and such mains pipes or works had not been laid over or near or attached to such bridge and the county council shall not make any compensation to the Corporation for any expense or loss to which the Corporation may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge or the roadway over the same over or near or attached to which any such mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Corporation shall at their own cost in all things alter the position of any works by which such mains

or pipes are carried over or near or attached to such bridge or the roadway over the same
Provided that during the removal alteration rebuilding widening or reparation of such bridge or the roadway over the same as aforesaid the county council shall afford all reasonable facilities to enable the Corporation temporarily to carry such mains and pipes across any stream or brook so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes : A.D. 1924.

(5) All works shall be so executed by the Corporation as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road or over any such bridge or approach and the Corporation shall not break up at any one time a greater consecutive length than one hundred yards of any such road bridge or approach :

(6) If any difference arises at any time between the county council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be referred to two justices sitting as a court of summary jurisdiction who shall hear and determine the matter in dispute in all respects as if the same were a difference between the Corporation and the county council under the Waterworks Clauses Act 1847.

20. The Corporation shall have and may exercise within the water limits the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district of the Corporation. Further powers in relation to water mains.

21. The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or in process of erection in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying Power to lay pipes in private streets.

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A.D. 1924: pipes shall apply as if section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation with this Act.

Water receipts and expenses: **22.** All moneys from time to time received by the Corporation in respect of the water undertaking (including the interest on any reserve fund by this Act authorised in connection with that undertaking when that fund amounts to the prescribed maximum) shall be carried to and shall form part of the borough fund, and all payments and expenses made and incurred in respect of that undertaking shall be paid out of that fund.

Water rate. **23.** Whenever the total moneys from time to time received by the Corporation in any year after the passing of this Act in respect of the water undertaking (in this section referred to as "the undertaking") shall exceed the total of the amounts paid by them after the passing of this Act in respect of the following matters (that is to say):—

Working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Corporation consequent upon any proceedings by or against the Corporation their officers or servants in relation to the undertaking;

The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

All other expenses (if any) of maintaining the undertaking not being expenses properly chargeable to capital;

The amount (if any) paid to any reserve fund formed for the purposes of the undertaking under the provisions of the section of this Act of which the marginal note is "Reserve funds";

then the water rate to be made in the next succeeding year shall be as nearly as possible such that at the end of that year the said moneys so to be received as aforesaid shall not exceed the total amounts so to be paid as aforesaid.

24.—(1) The Corporation shall not be bound to supply with water otherwise than by meter— A.D. 1924.

- (A) Any building used by an occupier as a dwelling house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; Supply to houses partly used for trade &c.
- (B) Any workhouse hospital asylum or sanatorium; or
- (C) Any hotel restaurant public-house or inn.

(2) Provided that the Corporation may require that the sum to be paid for any such supply by measure shall not be less than the sum which would have been chargeable if this section had not been passed.

25. The price to be charged for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons. Price of supply by meter.

26.—(1) If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property or to the health of any person it shall be lawful for the Corporation by or under the direction of their duly authorised officer to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and where any such injury or defect has been found to exist the expense incurred by the Corporation for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier. Power to Corporation to repair communication pipes.

(2) Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

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Injuring
meters &c.

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

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

Penalty for
closing
valves and
apparatus.

28. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off or interfere with any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without

prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe. A.D. 1924.

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

(2) Provided that—

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

(B) Nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the water limits.

30. Section 49 (Supply to Hastings and Battle District Councils) of the Act of 1911 shall in its application to the rural district council of Battle be read and construed as if the expression “any mains of the Corporation” included any mains of the Corporation laid in the rural district of Battle under the authority of this Act and as if the quantity of water to be supplied for domestic purposes to the said council were therein fixed at a quantity not exceeding twenty-five thousand gallons per day. Provided always that the price to be paid by the Battle Rural District Council for water supplied from mains laid by the Corporation under the authority of this Act shall notwithstanding anything in the said section contained be at the rate of two shillings and sixpence per one thousand gallons. For protection of Battle Rural District Council.

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Repeals in
connection
with Part II.
of Act.

31. The following sections of the following enactments are hereby repealed (that is to say):—

The Act of 1900—

Section 39 (Application of water revenue);

The Act of 1911—

Section 11 (Temporary discharge of water into streams);

Section 12 (Power to hold lands for protection of waterworks).

PART III.

STREET IMPROVEMENTS &c.

Power to
construct
street
works.

32. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described together with all necessary or convenient works improvements junctions connections approaches embankments retaining walls sewers drains and conveniences connected therewith.

The works hereinbefore referred to and authorised by this section will (with the exception of part of Work No. 11 situate in the parish of Ore in the rural district of Hastings) be situate in the borough and are—

Work No. 7 A widening and improvement of the Marina on the north side thereof and the Under Cliff on the south side thereof at the corner formed by those streets commencing in the Marina at a point 40 chain or thereabouts measured in a south-westerly direction from the south-west corner of the boundary of No. 22 Marina and 73 chain or thereabouts measured in a north-westerly direction from the north-west corner of No 14 South Colonnade Marina and terminating in the Under Cliff at a point 21 chain or thereabouts measured in a northerly direction from the north-west corner of No. 22 Marina and 21 chain or thereabouts measured in a southerly direction from the south-east corner of the Star public house;

Work No. 8 A widening and improvement of Saxon Road on the north-east side thereof and of Old London Road on the east side thereof com-

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mencing in Saxon Road at a point .53 chain or thereabouts measured in a westerly direction from the north-west corner of No. 1 Saxon Road and .72 chain or thereabouts measured in a south-easterly direction from the north corner of No. 409 Old London Road and terminating in the Old London Road at a point .37 chain or thereabouts measured in a north-westerly direction from the north-west corner of the Ore Village school playground and .10 chain or thereabouts measured in an easterly direction from the east pier of the south entrance to Fairlight Sanatorium;

Work No. 9 A widening and improvement of Red Lake such widening being on the west side thereof commencing at the point of termination of the intended Work No. 8 hereinbefore described and terminating at a point .52 chain or thereabouts measured in a north-easterly direction from the north-east corner of the boundary of Fairlight Sanatorium and 1.34 chains or thereabouts measured in a northerly direction from the south-west corner of Old Top Road;

Work No. 10 A new street commencing at the point of termination of the intended Work No. 9 hereinbefore described and terminating at a point 4.68 chains or thereabouts measured in a north-easterly direction from the east corner of Ore Cemetery and 3.30 chains or thereabouts measured in a south-westerly direction from the south corner of Ore Cattle Market;

Work No. 11 A widening and improvement of Winchelsea Road on the south-east side thereof commencing in the borough at the point of termination of the intended Work No. 10 hereinbefore described and terminating in the parish of Ore in the rural district of Hastings at a point 4.96 chains or thereabouts measured in a north-easterly direction from the east corner of the King's Head Inn and 2.65 chains or thereabouts measured in a northerly direction from the north corner of the field or enclosure numbered 42 in the parish and county borough of Hastings on the $\frac{1}{2500}$ scale Ordnance map 1910 edition (Sussex (East) sheet LVIII. 11);

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Work No. 12 A widening and improvement of Bohemia Road on the south-west side thereof and of Cornfield Terrace on the north side thereof at the corner formed by those streets commencing in Bohemia Road at a point .38 chain or thereabouts measured in a north-easterly direction from the east corner of the Wheat Sheaf Inn and .50 chain or thereabouts measured in a southerly direction from the west corner of No. 145 Bohemia Road and terminating in Cornfield Terrace at a point .74 chain or thereabouts measured in a southerly direction from the east corner of the Wheat Sheaf Inn and .53 chain or thereabouts measured in an easterly direction from the east pier of the northern entrance to St. Peter's Church Yard;

Work No. 13 A sea wall or embankment to be situate on the foreshore commencing at a point .16 chain or thereabouts measured in a westerly direction from the south-east corner of the existing sea wall at the White Rock baths and 2.22 chains or thereabouts measured in a southerly direction from the south-west corner of No. 41 White Rock and terminating by a junction with the existing sea wall at a point .61 chain or thereabouts measured in a southerly direction from the south-east corner of the boundary of No. 6 Carlisle Villas and 1.10 chains or thereabouts measured in a south-westerly direction from the south-west corner of the bandstand at Caroline Parade;

Work No. 14 A sea wall or embankment to be situate on the foreshore commencing at a point .50 chain or thereabouts measured in a south-easterly direction from the south-east corner of No. 7 Beach Terrace and .65 chain or thereabouts measured in a south-westerly direction from the south-west corner of the Marine Parade shelter and terminating by a junction with the existing sea wall at a point 1.60 chains or thereabouts measured in a south-easterly direction from the south-west corner of the Albion Hotel and 1.82 chains or thereabouts measured in a south-

westerly direction from the south-east corner of No. 1 Marine Parade; A.D. 1924.

Work No. 15 A promenade to be situate on the foreshore commencing at a point .70 chain or thereabouts measured in a north-westerly direction from the south-east corner of the existing sea wall at the White Rock baths and 1.56 chains or thereabouts measured in a southerly direction from the south-west corner of No. 41 White Rock and terminating by a junction with the existing promenade at a point .42 chain or thereabouts measured in a south-easterly direction from the south-east corner of the boundary of No. 6 Carlisle Villas and .96 chain or thereabouts measured in a south-westerly direction from the south-west corner of the bandstand at Caroline Parade;

Work No. 16 A promenade to be situate on the foreshore commencing at a point .36 chain or thereabouts measured in a south-easterly direction from the south-east corner of No. 7 Beach Terrace and .48 chain or thereabouts measured in a south-westerly direction from the south-west corner of the Marine Parade shelter and terminating by a junction with the existing promenade at a point 1.56 chains or thereabouts measured in a south-easterly direction from the south-west corner of the Albion Hotel and 1.7 chains or thereabouts measured in a south-westerly direction from the south-east corner of No. 1 Marine Parade;

Work No. 17 A public carriage road to be situate partly on the foreshore commencing at a point 1.56 chains or thereabouts measured in a north-westerly direction from the south-east corner of the existing sea wall at the White Rock baths and .78 chain or thereabouts measured in a south-westerly direction from the south-west corner of No. 41 White Rock and terminating by a junction with Marine Parade 1.36 chains or thereabouts measured in an easterly direction from the south-west corner of the Albion Hotel and 1.43 chains or thereabouts measured in a south-westerly direction from the south-east corner of No. 1 Marine Parade.

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Limits of
deviation.

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

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

Subsidiary
works in
connection
with street
improve-
ments.

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

(2) Provided that the Corporation shall not alter divert or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to
alter steps
pipes areas
&c.

35. Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains and the pipes or wires for the purpose of conveying water electricity or gas to any house or other place and may remove all other obstructions so that the same be done with as little delay

and inconvenience to the inhabitants of such house or building as the circumstances of the case will admit and, the provisions of section 308. (Compensation in case of damage by local authority), of the Public Health Act, 1875, shall apply, as if the acts done under the authority of this section, were done in the exercise of the powers of that Act. A.D. 1924.

36. Subject to the provisions of this Act all lands which shall be acquired by the Corporation under this Act and laid into or appropriated, as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired. Land laid into streets to form part thereof.

37.—(1) So much of the widening or improvement of Winchelsea Road (Work No. 11) as is within the county of East Sussex (in this section called "the county") shall be carried out in accordance with plans sections and particulars submitted to, and reasonably approved by the East Sussex County Council (in this section called "the county council") before such part of the widening or improvement is commenced and to the reasonable satisfaction of the county surveyor of the county council (in this section called "the county surveyor"). For protection of East Sussex County Council in respect of street improvements.

(2) From and after the completion by the Corporation of so much of the said widening or improvement as aforesaid the part of the widened road within the county shall be maintained by the county council as part of the main road from Hastings to Winchelsea and except in so far as may be otherwise provided by agreement between the Corporation and the county council the Corporation shall from time to time repay to the county council such proportion of the cost incurred from time to time by the county council (as certified by the county surveyor) in the maintenance and improvement in relation to maintenance of the county main road section of which the said road as widened or improved under the powers of this Act forms part (after deducting therefrom any grant received by the county council from the Minister of Transport out of the road fund in respect of such maintenance and improvement in relation to maintenance) as the part within the county of the said road added thereto by the said widening and improve-

A.D. 1924. ment bears to the whole of that county main road section.

(3) If any difference arises at any time between the county council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

Power to determine width of carriage and foot ways.

38. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the borough repairable by the inhabitants at large.

PART IV.

GENERAL PROVISIONS AS TO WORKS.

Temporary stoppage of streets.

39.—(1) The Corporation during the execution of the works authorised by Parts II. and III. of this Act may break up and also temporarily stop up and interfere with any street for the purpose of executing such works and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any house in the street from passing along and using the same.

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

PART V.

LANDS.

Power to take lands.

40. Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works by this Act authorised or for the providing of space for the erection.

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of buildings adjoining or near to any street the construction widening or improvement of which is authorised by this Act.

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41. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

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

Persons under disability may grant easements &c.

43. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of East Sussex for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of East Sussex and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Correction of errors in deposited plans and in book of reference.

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Benefits to
be set off
against
compensa-
tion.

44. In estimating the amount of compensation or purchase money to be paid by the Corporation under this Part of this Act the benefits accruing to the person to whom the same shall be paid by reason of the construction of any new street or of the widening or improvement of any existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Corporation
may acquire
easements
only in
certain
cases.

45.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act (including the works and conveniences authorised by the section of this Act whereof the marginal note is “Subsidiary works”) where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making enlarging renewing maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Corporation require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts.

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

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

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(4) Every notice to treat for the acquisition of an easement or right or the imposition of a restriction shall either contain or be endorsed with a copy of this section. A.D. 1924.

46. Where under the powers of the former Acts or of this Act the Corporation have acquired or shall acquire any easement or right in under or through any lands for the construction of any conduit aqueduct pipe sewer or other similar work the Corporation may at any time thereafter if they see fit purchase by agreement from the owner thereof the lands lying over under and alongside such conduit aqueduct pipe sewer or other work. Power to purchase lands already subject to easements.

47. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of November one thousand nine hundred and twenty-three if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act. Compensation in case of recently acquired interest.

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

(A) The owners of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the said properties":

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- (B) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the said properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (C) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the said property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:
- (D) If the tribunal determine that the portion of the said property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion so determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (E) If the tribunal determine that the portion of the said property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its

absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner: A.D. 1924.

(F) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(G) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

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

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

49.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any Further powers for acquisition of lands.

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A.D. 1924. of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any moneys so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

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

Provided that any contract so entered into in respect of which the Corporation propose to borrow money exceeding in amount the sum of five thousand pounds shall be provisional until the consent of the said Minister shall have been given to the borrowing of money in respect thereof and shall only become binding if and when such consent shall have been given.

(3) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the borough fund and borough rate.

Retention
and disposal
of lands.

50.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Acts 1890 to 1923) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may

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make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

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(2) Provided that the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests.

(3) Provided also that nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease or other disposition of any lands of the Corporation in any case in which such consent would be required if this Act had not been passed.

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

Proceeds of
sale of
surplus
lands.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

52. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the

Power to
Corporation
to enter
upon
property for
survey and
valuation.

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A.D. 1924. — purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Extinction
of private
rights of
way.

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

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

Power to
develop
lands &c.

54.—(1) The Corporation may lay out and develop and erect and maintain houses shops offices and other like buildings and construct pave flag channel and kerb streets roads and ways on any lands within the limits of deviation for the Works Nos. 7 to 12 (inclusive) by this Act authorised as marked on the deposited plans acquired by them under the powers of this Act and not required for the purposes of the said works and may sell lease exchange or otherwise dispose of any such houses shops offices or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporation may enter into and carry into effect agreements and arrangements with the owners of or

other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of the works by this Act authorised or any of them with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

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55. The Corporation may by agreement purchase or acquire and the owners and other persons interested therein may sell or transfer to the Corporation their respective estates or interests in the ancient monument and grounds known as Hastings Castle (in this section called "the castle") and the Corporation shall subject to the provisions of the Ancient Monuments Consolidation and Amendment Act 1913 hold and preserve the same as a place of public attraction and historic interest and carry out such works of maintenance and repair as may be necessary for that purpose. The Corporation may enclose the castle or any part thereof and make such reasonable charges for admission thereto as they may think fit.

Acquisition
of Hastings
Castle.

PART VI.

ELECTRICITY.

56. The provisions contained in the Schedule to the Electric Lighting (Clauses) Act 1899 (with the exception of sections 83 and 84 of that Schedule) as amended by the Electricity (Supply) Acts 1909 to 1922 are incorporated with and form part of this Act and the electricity undertaking and the Corporation in respect thereof shall be subject to those provisions and so much of the Order of 1898 as is inconsistent with those provisions is hereby repealed without prejudice to anything done or suffered thereunder.

Incorporation of
Electric
Lighting
(Clauses)
Act 1899
and partial
repeal of
Order of
1898.

57. The Corporation may in connection with and for the purposes of the electricity undertaking fit up show rooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

As to
offices and
showrooms.

58. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of

Discount on
electrical
charges.

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five per centum on the amount due in respect of any charges for electrical energy supplied by them from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf and if and so soon as the Corporation decide to allow any such discount notice to that effect shall be contained in every demand note in respect of such charges Provided that all discounts shall be of equal amount in like circumstances to all consumers.

Notice to
discontinue
supply of
electricity.

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

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

Power to
construct
electrical
sub-stations
under
streets.

60.—(1) Subject to the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the Schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient.

(2) No sub-station transforming station or other works shall be constructed within a distance of twenty-five yards of any property of any railway company or within a distance of twenty-five yards from any entrance to any manufactory except with the consent in writing of that company or of the occupier of such manufactory as the case may be which consent shall not be unreasonably withheld Any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Minister of Transport.

Power to
lay electric
lines &c. in

61.—(1) The Corporation may upon the application of the owner or occupier of any premises in the electricity limits abutting on or in process of erection in any street

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laid out or made and whether dedicated to public use or not supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the Schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section.

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private
streets.

(2) Provided that nothing in this section contained shall apply to any existing street belonging to and forming the approach to any station or depôt of a railway company except with the consent of such company but such consent shall not be unreasonably withheld nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

62.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

Period of
error in
defective
meters.

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

63.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and such penalty shall be recoverable in manner provided by the Summary Jurisdiction Acts.

Entry upon
premises
Penalty for
obstruction.

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

Power to
recover
charge for
re-connec-
tion.

64. Any expenses reasonably incurred by the Corporation in re-connecting 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.

Provisions
as to
supply of
electricity
by agree-
ment.

65.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement. Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the 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.

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66. All moneys from time to time received by the Corporation in respect of the electricity undertaking (including the interest on any reserve fund by this Act authorised in connection with that undertaking when that fund amounts to the prescribed maximum) shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of that undertaking shall be paid out of that fund.

Electricity receipts and expenses.

PART VII.

STREETS BUILDINGS SEWERS DRAINS &C.

67. The power of the Corporation to make byelaws with respect to new streets under the provisions of section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine. For the purposes of this section the expression "intersecting street" means a side or cross street forming a junction with another street.

Byelaws as to intersecting streets.

68.—(1) When a road footpath or way within the borough is about to become a new street within the meaning of the Public Health Acts but the land on only one side of such road footpath or way 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.

Widening of roads when only one side is built upon.

(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

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A.D. 1924. of such road footpath or way so as to comply in all respects with the byelaws of the Corporation Provided that he shall not under this subsection be required to pull down any building erected before the passing of this Act.

Exchange
of parts of
streets
disused.

69. The Corporation may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

Building
line in new
streets.

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

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

(3) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building

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erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Corporation. A.D. 1924.

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

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

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

71. Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished. Development scheme may be required in connection with new streets.

72.—(1) Any person deeming himself aggrieved by any requirement of or by the Corporation under either of the last two preceding sections of this Act may within twenty-one days from the date of such requirement Appeal to court of summary jurisdiction.

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A.D. 1924. — appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(2) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court of summary jurisdiction may direct.

Power to
define
future line
of existing
streets.

73.—(1) Where any street in the borough repairable by the inhabitants at large or any part of such street is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where at the corner of any street it is in their opinion desirable to set back the line of frontage in order to facilitate traffic or where in any other case it is in their opinion necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or any part thereof.

The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot with reasonable diligence be ascertained by affixing such notice to or on the premises.

No new building erection excavation or obstruction shall be made or placed nearer to the centre of the street than such line except with the consent of the Corporation which may be given for such period and upon and subject to such terms and conditions as they may deem expedient.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner and all other persons interested shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by the Corporation

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under this section and the street and the same when purchased shall vest in the Corporation as part of the street and the amount of purchase money shall in case of difference be settled under the Lands Clauses Acts. A.D. 1924.

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

(4) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street shall be fairly estimated and shall be set off against the said compensation or purchase money.

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

74.—(1) The Corporation may at any time after prescribing and defining the line of frontage of any street in pursuance of the power conferred upon them by the section of this Act of which the marginal note is "Power to define future line of existing streets" on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such line of frontage at the date when the same was so prescribed or defined shall be pulled down set back or altered so that the same shall not project beyond or in front of such line of frontage. Further powers as to future line of streets.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon

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A.D. 1924. — any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Arbitration Act 1889 but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) After any such line of frontage shall be so prescribed and defined as aforesaid any person who shall act contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding ~~five pounds and to a daily penalty not exceeding forty~~ shillings.

No building
allowed
until street
defined.

75.—(1) No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

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

Street
orderly
bins.

76. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or cinder in upon or under the streets of the borough of such dimensions and in such

positions as the Corporation may from time to time determine. A.D. 1924.

77. If the Corporation disapprove of the proposed direction or position relatively to the nearest streets of any new street as shown on the plan thereof deposited under any byelaws made by the Corporation they shall within thirty days after delivery or deposit of such plan to or at the office of the engineer give notice to the person delivering or depositing such plan of the particulars of such disapproval and of the requirements of the Corporation in respect of the direction or position as aforesaid of the proposed street and in the event of such notice of disapproval being given it shall not be lawful to begin to make or lay out the new street until an amended or new plan thereof has been delivered or deposited as aforesaid and approved by the Corporation.

As to
direction
or position
of new
streets.

Any person who begins to make or lay out any new street in contravention of the above enactment or who without the written consent of the Corporation deviates from any approved plan shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding forty shillings for every day during which the offence is continued after written notice thereof from the Corporation :

Provided that if within thirty days after receiving notice of the requirements of the Corporation and before proceeding further in the matter the person delivering or depositing such plan gives written notice to the Corporation alleging that he will sustain loss or damage by the decision of the Corporation under this section and claiming compensation from the Corporation in respect thereof the Corporation may either waive or insist on their requirements as they think fit and in the latter event any claim for compensation shall in default of agreement between such person and the Corporation be referred to and settled by arbitration and in manner provided by the Lands Clauses Acts In any such reference the tribunal shall have regard to any increased value which will in the opinion of the tribunal be given to any property of such owner by reason of the execution of the requirements of the Corporation and any such reference may on the application of either party to the reference be made a rule of the Supreme Court.

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Laying out
of streets
by Corpora-
tion.

78. The Corporation may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Corporation may maintain in good order any grass margins trees gardens guards and fences in any such street and alter or renew the same and may add to the carriageway or footway of any such street any part of such grass margins parts planted with trees or parts laid out as gardens as aforesaid and may alter or re-arrange the parts of any street laid out as carriageway or footway respectively :

Provided always that nothing in this section contained shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street.

Cost of
paving may
be paid by
Corporation
in certain
cases.

79. Where it shall appear to the Corporation desirable that any new street or any street not being a highway repairable by the inhabitants at large should be paved in a more substantial and costly manner than it appears to the Corporation reasonable to require the person laying out forming or paving such street to pave the same it shall be lawful for the Corporation to pay the additional cost of such more substantial and costly paving or any part thereof as the Corporation shall think fit.

Courts to be
flagged and
drained.

80.—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall if so required by the Corporation flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same and provide gullies and grids in suitable positions and at proper levels and keep such flagging asphaltting concreting or paving and drain gullies and grids in good repair.

(2) If such owner or owners shall for two months after notice in writing from the Corporation fail in any respect to comply with any requirements of the Corporation under the provisions of subsection (1) of this

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section he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners. A.D. 1924.

81. The Corporation may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants and seats provided that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier. Power to provide seats &c.

82. When any passage stairs or approach between the higher and lower parts of the borough or which afford access between one public street and another or over which the public have rights of way but which is or are not a highway repairable by the inhabitants at large is or are for want of repairs in such a state as to be a danger to the public or vehicles passing along such passage stairs or approach the Corporation may at the expense of the borough fund carry out such repairs (including the provision of handrails balustrades and parapet fences or walls) as may be reasonably necessary to obviate such danger without rendering themselves liable to the future maintenance of the passage stairs or approach so repaired by them. As to urgent repairs to stairs passages &c.

83.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher. Erection of buildings to greater height than adjoining buildings.

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

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Means of
escape from
buildings in
case of fire.

84.—(1) Every new building erected after the passing of this Act and exceeding two storeys in height used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which building sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys above the second storey (hereinafter referred to as an "upper storey") with such means of escape in the case of fire for the persons dwelling sleeping or employed in each upper storey or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be allowed by the owner to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) After the first day of January nineteen hundred and twenty-five the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a shop in which sleeping accommodation is or is intended to be provided for the use of persons in or about such shop if in their opinion such building is not provided with proper and sufficient means of escape from each upper storey in case of fire for the persons dwelling or sleeping in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

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

Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(3) If the owner alleges that any occupier should bear or contribute to the expenses of complying with any

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requirements of the Corporation under this section he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable under all the circumstances of the case.

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

(5) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(6) This section shall not apply to premises to which sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending those sections apply.

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

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

Byelaws as to alterations of buildings.

86.—(1) Any person intending to erect any new building any elevation whereof shall front to or abut upon any street shall submit to the Corporation together with any other plans required to be submitted to them with respect to such intended new building a plan of such elevation and the said intended new building shall only be erected with such elevation as aforesaid as shall have been approved by the Corporation.

Elevation of new buildings fronting to street.

(2) Any person deeming himself aggrieved by the withholding of approval by the Corporation under this section may appeal against their decision. Such appeal shall be determined by the Minister of Health or by a person to be nominated by him and the decision of the said Minister or person shall be final.

(3) Any person offending against the provisions of this section shall be liable to a penalty not exceeding

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Neglected
structures.

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

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

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

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

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

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Power to require specially enlarged sewer in new street.

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

Corporation to make communication between drains and sewer.

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

Power to lay drains in private streets.

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

Streams not to be covered over &c. except in accordance with plans.

Provided that—

(A) No requirement of the Corporation in relation to such plans and sections shall operate to

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compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted;

(B) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

Rivers
streams &c.
choked up
to be a
nuisance
under
Public
Health Act
1875.

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

As to
covering of
ditches &c.

93.—(1) If any watercourse or ditch in the borough situate upon land partially or wholly built upon or laid out for building or upon land on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner of such land (in the case of land laid out for building before any building is commenced or proceeded with) to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for such watercourse or ditch

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a pipe drain or culvert with all necessary shoots and means of conveying surface water thereinto. A.D. 1924.

(2) All works required by the Corporation to be done under this section shall be completed to the satisfaction of the surveyor.

(3) Any person who shall be guilty of any act or omission in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partially belonging to any other person than the owner of the land in respect of which the said notice in writing is served.

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

95. The following sections of the Act of 1885 are hereby repealed (that is to say):— Repeals in connection with Part VII. of Act.

Section 113 (Power to vary line of new streets);

Section 117 (Corporation may define future line of streets).

96. The provisions of the sections of this Act of which the marginal notes are respectively:— Partial saving as to railway companies.

“Byelaws as to intersecting streets”;

“Widening of roads when only one side is built upon”;

“Exchange of parts of streets disused”;

“Building line in new streets”;

“Development scheme may be required in connection with new streets”;

“Power to define future line of existing streets”;

“Further powers as to future line of streets”;

“No building allowed until street defined”;

“As to direction or position of new streets”;

“Laying out of streets by Corporation”;

“As to urgent repairs to stairs passages &c.”;

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“Erection of buildings to greater height than adjoining buildings”;

“Byelaws as to alterations of buildings”;

“Elevation of new buildings fronting to street”;

and

“Neglected structures”;

shall not extend or apply to any building (not being a dwelling-house) belonging to and used by a railway company as part of or in connection with their undertaking under any Act of Parliament.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Power to close Sunday schools and exclude children from entertainments.

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

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

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

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

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school or place of public entertainment or assembly without undue risk of communicating disease to others. A.D. 1924.

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

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

Extended meaning of "infectious disease" for certain purposes.

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

As to filthy premises.

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

101.—(1) If the medical officer or the sanitary inspector has reasonable cause to suppose that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

Houses infested with vermin to be cleansed.

(2) Where on the certificate of the medical officer or the sanitary inspector it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper or other covering from the walls of such house or the portion thereof specified in the

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

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings.

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

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation and the word "vermin" includes bugs fleas lice and itchmites and their eggs larvæ and pupæ.

Penalty on
with-
holding
information
from
medical
officer.

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

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

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

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

Removal of persons suffering from pulmonary tuberculosis to hospital.

(2) The medical officer shall give the person so suffering or some person being in charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) Where—

(A) any person suffering as aforesaid is removed to any such hospital or place as aforesaid under an order made under this section; or

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(B) any person resident in the borough and suffering as aforesaid voluntarily goes for treatment to any hospital or place for the reception of the sick;

the Corporation may if they think fit and if satisfied that the necessities of the case so require make payments for or towards the maintenance of any person actually dependent on the person so suffering and on the hearing of any application under this section the court shall take into consideration the amount necessary for such effective support and maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such dependants.

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

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

Disinfection in case of tuberculosis.

104.—(1) (A) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the

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Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice. A.D. 1924.

(B) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(D) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) (A) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable on summary conviction to a penalty of five pounds.

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(B) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the owner free of charge.

(3) If any person sustains any damage by reason of the negligent exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

For preventing contact with body of person who has died of infectious disease.

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

Removal of body of person who has died of infectious disease.

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

Defining establishment of a new business for purposes of section 112 of Public Health Act 1875.

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

(A) It is removed from one set of premises to any other premises; or

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- (B) It is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or
- (c) Any premises on which it is for the time being carried on are enlarged;
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—

but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership or occupation of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

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

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

108.—(1) In any case where the premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act and in the opinion of the Corporation it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade. Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of the section of this Act of which the marginal note is "As to appeal" and that the provisions of that section shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection.

Discon-
tinuance of
offensive
trade.

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

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Corporation as may be agreed upon between the Corporation and such person or as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

Regulation
dustbins.

109.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised-iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

(2) Every owner or occupier having provided any receptacle pursuant to this section shall maintain the same in good order and condition.

(3) Provided that the foregoing provisions of this section shall not apply to any ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

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

(5) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligations under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

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110.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

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

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART IX.

SLAUGHTER-HOUSES.

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

Agreements as to slaughter-houses.

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

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

112.—(1) (A) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such

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

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A.D. 1924. date slaughter in the way of trade any cattle horse sheep or pig on the said premises :

(B) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements in regard thereto and if within the said period of three months the owner or occupier of such slaughter-house 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 interest 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 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.

(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 X.

A.D. 1924.

FOOD.

113.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute any article of food or any bladder or balloon inflated or capable of inflation by human breath from any cart barrow, or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connection with the business of rag and bone merchants.

Rag and bone dealers not to sell food or bladders and balloons.

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

114.—(1) Any person who in the manufacture storage or preparation for sale of sausages pressed or pickled meat or other similar commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination shall be liable for every such offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to contamination of sausages and other foods.

(2) No person shall be convicted of an offence under this section unless before the commission of the offence with which he is charged he shall have had written notice that such an act or thing as the one complained of is an offence against this section.

115.—(1) The following provisions shall apply to any room shop or other part of a building in which any article whether solid or liquid intended or adapted for the food of man is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale or (in the case of hotels or boarding houses where not less than six persons are boarded or lodged at any one time and in the case of restaurants and tearooms) with a view to consumption on the premises :—

Conditions applicable to premises used for sale &c. of food.

(A) No urinal watercloset earth closet privy ashpit or other like sanitary convenience shall be within such room shop or other part of the building or shall communicate therewith except through the

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open air or through an intervening ventilated space;

- (B) No drain or pipe for carrying off faecal or sewage matter shall have any inlet or opening within such room shop or other part of the building and no gully or watercloset shall be placed in such a position that offensive odours from such gully or watercloset can gain access to such room shop or other part of the building;
- (C) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of the building except so far as may be reasonably necessary for the proper carrying on of the trade or business;
- (D) Such room shop or other part of the building and the walls and ceilings thereof shall be white-washed cleansed or purified at reasonable intervals and whenever so required by the Corporation on the report of the medical officer or the sanitary inspector and all articles apparatus and utensils therein shall at all times be kept clean and wholesome and due cleanliness shall be observed by persons engaged in such room shop or other part of the building.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of the building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

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

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

- (A) Causes or permits ice cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any cellar room or

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

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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

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

shall be liable to a penalty not exceeding forty shillings.

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

(3) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand 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 who is duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow vehicle or stand in or on which the same are offered for sale as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned :

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

No place used for storage &c. of food to be used as a sleeping place.

117.—(1) No room shop or other part of a building in which any food is sold or prepared or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall be used as a sleeping place.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of the building as a sleeping place in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

Power to prohibit persons in advanced stage of tuberculosis from selling &c. food.

118.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the lung in an advanced stage and that he is employed in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the said medical officer be detrimental to public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so.

(3) If such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Penalty on original vendor of unsound food.

119.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 or section 190 of the Act of 1885 as extended by section 28 of the Public Health Acts

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Amendment Act 1890 and found in the possession of any person was sold to him by another person for the food of man (the proof that the same was not sold for the food of man resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 as extended by section 191 of the Act of 1885 the person who so sold the same shall be punishable as mentioned in the said section 117 unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

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(2) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 as extended by section 191 of the Act of 1885 and section 28 of the Public Health Acts Amendment Act 1890 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

120.—(1) The Corporation may make and enforce byelaws (a) for preventing meat or any part of the carcase of an animal brought into the borough and intended for the food of man from being used for the food of man or being offered for sale or sold or deposited for sale or for the preparation for sale until after inspection by an officer of the Corporation (b) for preventing the removal of any carcase or any part thereof from any slaughter-house until after such inspection as aforesaid and (c) for requiring notice of the slaughtering of any animal suffering from accidental injury or illness to be given to the medical officer by the person responsible for such slaughter.

Byelaws
as to
inspection
of meat.

(2) Provided that any byelaw made by the Corporation for the purposes (a) or (b) mentioned in subsection (1) of this section shall provide (i) that any person bringing

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any meat (other than foreign meat) or any part of the carcase of an animal into the borough or intending to slaughter any animal at any slaughter-house shall give to the medical officer reasonable notice in writing of the day and hour and place in the borough on and at which the meat or any part of the carcase can be inspected as aforesaid or on and at which the slaughtering is intended to take place as the case may be and (ii) that if within such reasonable period after the notified hour as may with due regard to the requirements of the trade be prescribed by the byelaw an officer of the Corporation shall not have attended at the place so notified for the purpose of inspection the restriction in subsection (1) of this section referred to shall not apply to the meat or any part of the carcase in respect of which the notice was given.

(3) Provided also that no byelaw made by the Corporation for the purpose (a) mentioned in subsection (1) of this section shall apply to meat which has been inspected and passed as fit for the food of man by the medical officer of health of the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district but the Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(4) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section the Corporation may enter any slaughter-house which is situate outside the borough but within a radius of six miles from the town hall and not within either the borough of Bexhill or the urban district of Battle for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the borough.

(5) Before making any such byelaws the Corporation shall give not less than one month's notice to the Hastings Master Butchers' Association of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association thereon before they submit them to the Minister of Health for confirmation and such association shall be entitled to make representations to the Minister of Health with regard thereto.

(6) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1922 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder. A.D. 1924.

121.—(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) 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.

(3) 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.

122. Section 23 (For regulating manufacture and sale of ice creams &c.) of the Act of 1900 is hereby repealed. Repeal in
connection
with Part
X. of Act.

PART XI.

RECREATION GROUNDS FORESHORE &C.

123. Subject to the provisions of this Act and subject as regards any land leased to the Corporation to the terms of such lease the Corporation may— Power to
provide
concert
halls
grounds for
games
bathing
pools &c.

(A) In any promenade park or pleasure ground and on the foreshore and other lands in the borough of which for the time being they may be the owners or lessees erect and construct and hold furnish equip maintain insure and carry on concert halls pavilions conservatories winter gardens bandstands assembly rooms rooms for all social purposes model yacht ponds and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms billiard rooms shelters ante-rooms refreshment rooms kitchens cloak rooms lavatories gardens outbuildings conveniences and

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appurtenances and for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation;

- (B) In any such park or recreation ground or lands as aforesaid (other than the foreshore) lay out and maintain lawns grounds and courses for games and provide the necessary apparatus for the use of the same and do all such acts and employ such persons as may be required for those purposes;
- (c) Upon any part of the foreshore or lands as aforesaid construct and maintain bathing pools bathing bungalows shelters and conveniences and provide all necessary and convenient apparatus in connection therewith.

Provision
of enter-
tainments.

124. Subject to the provisions of this Act and to the provisions of any Crown leases which the Corporation may hold from the Board of Trade or the Commissioners of His Majesty's Woods and Forests—

- (1) The Corporation may provide or arrange for the provision or carrying on of concerts entertainments broadcasting stations sports athletic meetings carnivals exhibitions and amusements and for the sale of programmes and refreshments in any buildings 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 (including the foreshore) for the time being belonging or leased to them and the Corporation may let any such building belonging to them or any part of such park or recreation ground or land as aforesaid or any building or part thereof erected in any such park or recreation ground or on any such land for the purposes of such concerts entertainments broadcasting stations sports athletic meetings carnivals exhibitions or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit:

Provided that any letting under this section of any building for the purpose of an entertainment other than for a period of less than one

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month shall be by tender and the Corporation shall secure the best rent reasonably obtainable : A.D. 1924.

- (2) The Corporation may in any park or recreation ground or promenade vested in them or upon any such land (including the foreshore) as aforesaid enclose an area for the purpose of any such concert or other entertainment as aforesaid :
- (3) Any expenses incurred by the Corporation under the provisions of this section may be paid by the Corporation out of the borough fund :
- (4) The Corporation shall not under this section establish any wireless telegraph station or instal or work any apparatus for wireless telegraphy in contravention of the Wireless Telegraphy Act 1904 or any statutory re-enactment or modification of the said Act :
- (5) Nothing in this section contained shall enable the Corporation themselves to use any concert hall pavilion conservatory winter garden or assembly room erected under the powers of this Act for the purpose of the performance of stage plays by professional companies of performers or enable the Corporation themselves to carry on therein the business of a cinema theatre.

125. The Corporation may make byelaws for securing good and orderly conduct during any concert entertainment exhibition or amusement provided or carried on in pursuance of the provisions of this Part of this Act and also for regulating the use of any bowling greens lawn tennis courts and croquet lawns provided by them under the provisions of this Part of this Act. Power to make byelaws.

126. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any concert halls pavilions conservatories winter gardens bandstands assembly rooms social rooms entertainment rooms reading rooms billiard rooms and other buildings belonging to them (including any swimming bath while closed as such under the provisions of this Act) or for the use of any buildings or enclosures in any park recreation ground promenade or land used for the purposes mentioned in this Part of this Act or for the use of any bowling greens lawn tennis courts croquet lawns bathing pools bathing bungalows shelters and model Power to charge for admission to and use of concert halls &c.

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A.D. 1924. yacht ponds and apparatus provided in connection therewith respectively and they may also make such charge for the use of chairs and conveniences as they may deem fit.

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

127. The Corporation may purchase take on lease or acquire land and adapt the same for the purpose of athletic meetings cricket football bowls lawn tennis and other games and may from time to time let for terms not exceeding twelve months to any club company body or persons any portion of any park or place of public resort or recreation set apart by them under the provisions of the Public Health Acts Amendment Act 1907 or the whole or any portion of any land purchased taken on lease or acquired by them under the powers of this section and may upon such lands or upon the portions of parks or places of public resort or recreation so set apart erect construct and maintain all proper and convenient houses pavilions dressing rooms and other buildings works and conveniences Provided that the recreation ground known as the Pilot Field now vested in the Corporation shall be held by the Corporation as though the same had been acquired under the provisions of this section.

Pro-grammes.

128. The Corporation may out of the receipts from concert halls and other buildings and from entertainments provide programmes of any concert entertainment athletic meeting exhibition or performance which may from time to time be provided by the Corporation or with their sanction in any such place or building as aforesaid and may sell the same or they may authorise any person or persons to provide and sell such programmes.

Power to advertise entertainments and attractions.

129. The Corporation may out of the receipts from concert rooms and other buildings and from entertainments in any year pay or contribute towards the cost of providing and maintaining at public places in the borough and on passenger boats and motor buses plying between the borough and other places and in newspapers published in the counties of Sussex and Kent advertisements of the performances and entertainments provided at their concert halls pavilions conservatories winter gardens bandstands and other buildings.

Power to appoint officers.

130. 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

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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. A.D. 1924.

131.—(1) The Corporation may by agreement purchase or otherwise acquire and the owners and other persons interested therein may sell or transfer to the Corporation their respective estates or interests in the recreation ground in the borough known as the Central Cricket Ground (in this section called “the said ground”) and the Corporation may hold the same freed and discharged (save as is otherwise in this section expressly provided) from all or any trusts conditions or restrictions contained in an indenture dated the seventh day of August one thousand eight hundred and seventy-two and made between the Right Honourable Charles Cornwallis Lord Braybrooke and others of the first part the Honourable William Archer Amherst and the Honourable Julia Mann of the second part and Thomas Ross and others of the third part or otherwise applying to the said ground. Acquisition of Central Cricket Ground &c.

(2) The Corporation shall hold the said ground in trust for the use of the inhabitants of and visitors to the borough and the neighbourhood thereof as a pleasure ground and place of recreation.

(3) The Corporation may plant with trees or lay out as gardens and otherwise develop and improve the said ground or any part thereof and may lay out and maintain lawns grounds and courses for games thereon and provide the necessary apparatus for the use of the same and may construct erect and maintain all proper and convenient houses pavilions dressing rooms stands and other buildings works and conveniences and do all such acts and employ such persons as may be required for those purposes.

(4) The Corporation may make such reasonable charges as they think fit for admission to and for the use of the said ground or any part thereof or any building or structure erected thereon.

(5) Subject to the provisions of this section the Corporation may from time to time let the said ground or any part thereof and any buildings or structures which may be erected thereon for periods not exceeding three years to any club or body of persons upon such terms and conditions as they may think fit.

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(6) Provided that nothing in this section contained shall operate with regard to the said indenture :—

- (A) To interfere with modify or in any way affect the restrictive covenants with regard to the erection of buildings on the said ground ;
- (B) To interfere with or prejudice the rights of the public to have the said ground (but not the buildings erected thereon) thrown open to them gratuitously one day not being a Sunday in every week ;
- (C) To interfere with the right of the mayor to requisition the said ground for use as a place of public meeting.

(7) Provided also that any powers conferred by this section upon the persons for the time being acting as trustees of the said ground by virtue of the provisions of the said indenture shall not be exerciseable by them except in pursuance of a requisition made by not less than seventy-five per centum of the qualified annual subscribers to the said ground at the time of such requisition.

As to
receipts and
expenses.

132. Notwithstanding anything contained in the former Acts all moneys from time to time received by the Corporation in respect of the entertainments undertaking (including the interest on any reserve fund by this Act authorised in connection with that undertaking when that fund amounts to the prescribed maximum) shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of that undertaking shall be paid out of that fund.

Repeals in
connection
with Part
XI. of Act.

133.—(1) The following provisions of the Act of 1900 are hereby repealed (that is to say) :—

Section 70 (Power to erect maintain and let conservatories refreshment rooms winter garden &c.);

Subsections (2) (3) and (4) of section 73 (Power to provide bands bandstands and seats to let chairs and sell programmes).

(2) Section 76 (Powers as to parks and pleasure gardens) of the Public Health Acts Amendment Act 1907 as applied by the Order of the Local Government Board dated the 14th September 1909 shall so far as the same relates to the purposes of this Part of this Act cease to be in force in the borough.

(3) Byelaws made by the Corporation in pursuance of any of the provisions repealed by subsections (1) and (2) of this section shall notwithstanding anything contained in this section continue in force until the same are cancelled or annulled. A.D. 1924.

PART XII.

BATHS.

134.—(1) Subject to the provisions of this Act the Corporation may upon land acquired or appropriated by the Corporation for the purpose continue erect maintain alter extend enlarge improve repair furnish and equip sea water fresh water medicated Turkish and other baths and may lay down and provide such sea water intake pipes apparatus and fittings as may be incidental to or necessary for such purposes and may make such reasonable charges for admission to such baths as they may think fit. Baths.

(2) The Corporation may for the purpose of continuing erecting constructing providing and maintaining any such baths as aforesaid purchase or take upon lease or otherwise acquire lands by agreement but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

(3) The Corporation may for the purposes mentioned in subsection (1) of this section by agreement at any time during the term thereof purchase and acquire the surrender of the existing leasehold interest in the White Rock baths.

(4) For the purpose of laying down and repairing pipes for supplying sea water to any baths belonging to them the Corporation may break up streets repairable by them and alter the position of any culverts pipes and wires under any such street Provided that the Corporation shall not alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(5) The Corporation may let on lease to any company or person for such term and on such conditions as they may think fit any such baths as aforesaid or the powers and

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A.D. 1924. — rights with regard to the provision maintenance and carrying on of baths contained in this section.

(6) Nothing in this Part of this Act 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.

Use of swimming baths in winter.

135. The Corporation may from the first day of October to the first day of May in any year close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes.

Baths and Wash houses Acts 1846 to 1899 not to apply.

136. The provisions of the Baths and Washhouses Acts 1846 to 1899 or any Act amending the same shall not apply to this Part of this Act or to the exercise by the Corporation of the powers conferred upon them thereby.

PART XIII.

POLICE PROVISIONS.

Provisions as to motor vehicles let for hire.

137. The provisions of the Town Police Clauses Act 1847 and the byelaws of the Corporation in force with respect to hackney carriages except so much of such byelaws as relates to the fixing of fares shall apply to every ~~horse-drawn or motor vehicle standing or plying~~ for hire notwithstanding that such vehicle stands or plies for hire on private premises only. Provided that this section shall not apply to any such vehicle which is kept and used solely for the purpose of being let on hire by the day or for longer periods of time or for journeys under special contracts or to an omnibus as defined in the Town Police Clauses Act 1889.

Hackney carriages at railway stations.

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

Provided that—

A.D. 1924.

- (A) The provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicle;
- (B) Nothing in this section shall empower the Corporation to fix the site of the stand or the starting place of any hackney carriage in any railway station or railway premises or in any railway yard belonging to a railway company except with the consent of the railway company owning such station premises or yard.

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

Power to grant occasional licences.

140.—(1) No person shall in any esplanade parade public walk garden or place of recreation or on the seashore or beach (above or below high water mark) within or adjoining the borough or in the approaches thereto respectively or in Havelock Road importune any person by touting for a hotel lodging house refreshment house shop pier boat garden theatre tramway hackney carriage or any place of amusement or without the consent in writing of the Corporation hawk sell or offer for sale any article or commodity Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Corporation may think fit.

Prohibition of touting and hawking on esplanade &c.

(2) Any person offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding twenty shillings.

141. The Corporation may delegate their powers under section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 to a committee consisting of not less than five members of the council

As to street traffic.

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A.D. 1924. and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the council.

Fire
alarms.

142. The Corporation may erect or fix street fire alarms in such positions in any street road or public place as they think fit:

Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869:

Provided also that no fire alarm shall be erected or affixed in any street road or public place so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company.

Traffic
control.

143. Where a police constable in uniform in pursuance of any instructions general or special is regulating the traffic at any junction or crossing in any street any person driving or propelling any vehicle who wilfully neglects or refuses to stop the vehicle or to make it proceed or to make it keep to a particular line of traffic when so directed (by word of mouth or sign) by any such police constable in execution of his duty shall on summary conviction be liable in respect of each offence to a fine not exceeding forty shillings or in the case of a second or subsequent conviction to a fine not exceeding five pounds.

PART XIV.

CONSOLIDATION OF PARISHES.

Consolidation of
parishes.

144.—(1) As on and from the first day of April one thousand nine hundred and twenty-five (in this Part of this Act referred to as “the commencement of this Part of this Act”):—

(A) The parish of Hollington Saint John and the parish of Hastings shall be united into one parish to be called the parish of Hastings (in this Part of this Act referred to as “the parish”);

(B) The parish shall form part of the Hastings Union and all orders in force in that poor law union and applicable to the existing parish of Hastings immediately before the commencement of this Part of this Act shall be in force within and apply to the parish.

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(2) Subject to the provisions of section 60 of the Local Government Act 1894 the parish shall for the purpose of the election of guardians be divided into ten wards which wards shall be respectively coterminous with and bear the same names as the wards of the borough and shall respectively elect guardians as follows:—

All Saints Ward	-	-	-	-	3 guardians
Saint Clements Ward	-	-	-	-	3 guardians
Saint Mary-in-the-Castle (Upper) Ward	-	-	-	-	2 guardians
Saint Mary-in-the-Castle (Lower) Ward	-	-	-	-	2 guardians
The Holy Trinity Ward	-	-	-	-	3 guardians
Saint Mary Magdalen Ward	-	-	-	-	3 guardians
Saint Leonard's Ward	-	-	-	-	3 guardians
Saint Peter's Ward	-	-	-	-	2 guardians
Silverhill and Hollington Ward	-	-	-	-	3 guardians
Saint Helen's Ward	-	-	-	-	2 guardians

(3) (A) The persons who represent as guardians wards of the existing parish of Hastings other than the Silverhill Ward immediately before the commencement of this Part of this Act shall continue to hold office as guardians for the corresponding wards of the parish until the date on which they would have retired from office but for the operation of this Part of this Act.

(B) The persons who represent as guardians the ward of the existing parish of Hollington Saint John and the Silverhill Ward of the existing parish of Hastings immediately before the commencement of this Part of this Act shall continue to hold office as guardians for the Silverhill and Hollington Ward of the parish until the date on which they would have retired from office but for the operation of this Part of this Act.

(4) Subject to the provisions of this Act and of the enactments applied thereby as to adjustments all property (other than such as may be held for charitable or ecclesiastical purposes and other than cash balances) and all debts and liabilities of the existing parishes of Hollington Saint John and Hastings including in such property any property held under any trust for either of such parishes (in this Part of this Act referred to collectively as "the existing parishes") or for the inhabitants or parishioners thereof shall become the

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A.D. 1924. property debts and liabilities of the parish and in case of property held in trust as aforesaid shall be held in trust for the parish or for the inhabitants or parishioners thereof for the same purpose as heretofore.

(5) All arrears of rates made by the overseers of the poor for the existing parishes respectively which on the commencement of this Part of this Act are due or owing in respect of hereditaments in those parishes shall be collected and recovered by the overseers of the parish and the same when collected and recovered and all cash balances in the hands of the overseers of the existing parishes shall be applied (so far as may be necessary) towards the discharge of any precept or order in respect of expenses incurred before that date and which are in force at that date and are not satisfied and (subject to the foregoing) all balances and any other moneys in the hands of the overseers of the existing parishes on the same date shall be handed over by them to the overseers of the parish.

~~(6) All rate books books of account minutes of proceedings deeds papers and writings belonging to the existing parish of Hollington Saint John shall be deposited at the town clerk's office in the borough or at some office or place appointed by the Corporation and be there kept and preserved by the town clerk or some officer to be appointed by the Corporation and the ratepayers shall at all times have the same right of inspecting and making extracts from such books and minutes as they would have had if they had continued to be ratepayers of the existing parishes.~~

(7) All valuation lists in relation to hereditaments and premises in the existing parishes and in force on the first day of April one thousand nine hundred and twenty-five shall until new valuation lists are made be and be deemed to be part of the valuation list for the parish.

(8) All precepts and orders for moneys to be raised by way of rates in the borough for any period ending on any date after the commencement of this Part of this Act shall not be served until that date and shall then be served upon the overseers of the parish.

(9) Notice of the provisions of this section shall be given by the Corporation to the overseers of the existing parishes and to the guardians of the respective unions of Battle and Hastings.

145. As from the commencement of this Part of this Act the number of guardians for the Battle Union shall be reduced by two.

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Guardians
of Battle
Union.

146.—(1) 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 of the parish and all powers duties and liabilities exerciseable by or attaching to overseers shall be exerciseable by and extend and apply to the council acting as overseers:

Council to
be over-
seers.

Provided that—

- (A) 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;
- (B) In the application to the parish 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 parish;
- (C) In the application to the parish of sections 13 to 16 and 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;
- (D) 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 Third 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 Third 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.

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

(3) 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.

(4) After the thirty-first day of March one thousand nine hundred and twenty-five every precept issued by the guardians of the Hastings 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.

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

(6) References in any Act to the overseers of the parish shall be construed as references to the council and the legal interest in all property vested in the overseers of either of the existing parishes (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.

(7) Where the overseers as such are trustees of any charity such number of persons not exceeding the number of overseer trustees as the council may appoint shall be trustees in their place. The term of office of a trustee so appointed shall be four years.

Transfer to Corporation of powers of vestries.

147. As from 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 existing parishes shall cease to be so vested or exerciseable and every such right custom privilege or power shall for and within the parish be vested in and exerciseable by the Corporation.

Appointment of assistant overseers and other officers.

148.—(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

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the power of appointing and revoking the appointment of assistant overseers of the existing parishes shall extend and apply to the appointment by the council and revocation of the appointment by the council of assistant overseers of the parish.

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(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.

(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 security 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 Hastings 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 either of the existing parishes shall after the commencement of this Part of this Act hold and perform the duties of the office of assistant overseer of the parish. The remuneration to which at the commencement of this Part of this Act any such assistant overseer is entitled for performing the duties of his office shall be paid out of the poor rates of the parish and any such assistant overseer shall continue to hold office by the same tenure

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A.D. 1924. — and upon the same terms and conditions as heretofore and while performing the same duties shall receive not less remuneration than heretofore.

Registra-
tion of
electors.

149. In the preparation of the spring register one thousand nine hundred and twenty-five so far as it relates to any area affected by this Part of this Act it shall be competent to the registration officer to frame the register in separate parts for each area which will constitute a registration unit after the commencement of this Part of this Act instead of in separate parts for each area constituting a registration unit before the commencement of this Part of this Act.

Saving for
land tax
ecclesi-
astical
divisions
and
charities.

150.—(1) Nothing in this Part of this Act shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment which is now applicable for the benefit of either of the existing parishes affected by this Part of this Act.

(2) Nothing in this Part of this Act shall affect land tax and for the purposes of imperial taxes or duties other than land tax the provisions of subsection (1) of the section of this Act whereof the marginal note is "Consolidation of parishes" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year.

Settlement
and removal
of poor.

151. For any purposes connected with the settle-
ment and removal of the poor in relation to cases affected
by this Part of this Act the following provision shall
have effect (that is to say) :—

Every person who at the commencement of this Part of this Act has acquired or is in the course of acquiring a settlement in either of the existing parishes by reason of any residence completed or in course of completion or of any act or thing done or in course of being done or of any status condition right or privilege acquired or created or in course of acquirement or creation in either of the existing parishes shall be deemed to have acquired or to be in the course of acquiring a settlement in the parish.

152. Notwithstanding the alterations effected in the existing parishes by this Act and subject to the foregoing provisions of this Act all contribution orders made by the guardians of the poor of the Hastings and Battle Unions before the commencement of this Part of this Act shall be as valid in law as if this Act had not been passed.

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—
Saving for contribution orders and precepts.

153. Nothing in this Act shall be deemed to restrict any power conferred upon the Minister of Health by any Act of Parliament relating to the relief of the poor and passed before the commencement of this Part of this Act.

Saving for Minister of Health.

154.—(1) Every officer or servant of or paid by the guardians of the Battle Union who by virtue of this Part of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and for whose compensation no other provision is made by any enactment for the time being in force and applicable to his case shall be entitled to have compensation paid to him by the guardians of the Hastings Union for that pecuniary loss and in determining the said compensation regard shall be had to the conditions and other circumstances required by subsection (1) of section 120 of the Local Government Act 1888 to be had in regard in cases of compensation under that section and the compensation shall not unless the said guardians otherwise agree exceed the limit therein mentioned and shall be paid out of the poor rate of the parish and the provisions of subsections (2) to (7) of the said section shall apply with such modifications (including the substitution of the Minister of Health for the Treasury) as may be required. Provided that the non-acceptance of any office shall not be a bar to the right of any officer to compensation.

Compensation to existing officers.

(2) For the purposes of subsection (1) of this section any officer or servant to whom that subsection applies and whose services are dispensed with or whose salary is reduced within five years from the commencement of this Part of this Act because his services are not required or his duties are diminished in consequence of this Part of this Act and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Part of this Act.

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(3) No person shall be entitled to claim or receive both compensation for any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

(4) If any compensation is payable otherwise than by way of an annual sum the payment of that compensation shall be a purpose for which the guardians of the parish may borrow money.

Provisions
as to
adjustment.

155. Section 62 of the Local Government Act 1888 as amended by the Local Government (Adjustments) Act 1913 shall (with any necessary modifications) apply to the provisions of this Part of this Act as if this Act were an Order made in pursuance of the said Act of 1888 and—

(a) as if in subsections (5) (6) and (7) of the said section 62 the expression "council" included any board of guardians affected by this Act or anything done in pursuance of this Act; and

(b) as if the said subsection (6) empowered such board of guardians to borrow any moneys required in respect of any such adjustment provided that moneys so borrowed shall be repaid within such period as the Minister of Health may sanction:

Provided that where any such board of guardians is affected by the provisions of this Part of this Act or anything done in pursuance thereof the said section 62 shall apply with the modifications specified in the First Schedule of the Poor Law (Dissolution of School Districts and Adjustments) Act 1903.

PART XV.

RATING.

Commence-
ment and
interpreta-
tion.

156.—(1) This Part of this Act shall come into operation as from the first day of April one thousand nine hundred and twenty-five.

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

"The parish" means the parish of Hastings as constituted under the provisions of this Act;

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“ The overseers ” means the council as overseers of the parish; A.D. 1924.

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

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

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

(2) The district fund shall be closed and any balance which on the date upon which this Part of this Act comes into operation is standing to the credit or to the debit of the district fund or the general district rate respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and the moneys owing to the Corporation in respect of or in connection with the district fund or of the general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

158. Any water rate rent or charge or electricity account payable to the Corporation may be collected together with the consolidated rate and the same books may be used for the said rate rent charge and account. Water rate &c. may be collected with consolidated rate.

159. 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 Form of rate &c. to be prescribed by

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Minister of
Health.

Contribu-
tion to
borough
rate to be
paid out of
poor rate.

Poor rate
to be called
"the con-
solidated
rate."

Differential
consolidated
rate in
certain
cases.

water rate rent or charge or electricity account shall be in such form as the Minister of Health may from time to time prescribe.

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

161. The poor rate (inclusive of the contributions to the borough fund levied as part thereof 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.

162. The provisions contained in this section shall have effect with respect to the consolidated rate 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 (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of sixty-three per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section:

Provided that during the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say):—

"The owner of tithe rentcharge attached to a benefice shall be liable to pay only thirty-

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seven sixty-thirds of the amount payable under subsection (1) of the section of the Hastings 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-six sixty-thirds 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 sums payable by them to the local taxation account on account of the estate duty grant."

(2) Provided also that—

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

(B) If the Agricultural Rates Act 1896 shall continue after the Agricultural Rates Act 1923 shall have expired the occupier of any agricultural land as defined in the said first-mentioned Act shall during the continuance of such first-mentioned Act be liable to pay in each year in respect of such land a rate calculated on the basis of only thirty-seven per centum of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section.

(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

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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 parish out of the poor rate; or

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

(4) (A) If any occupier referred to in subsection (1) of this section claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions for the borough holden not less than twenty-one days after the demand of the rate under and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days' notice in writing of such appeal and of the grounds thereof be given by the appellant to the Corporation.

(B) On appeals under this subsection 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.

Amendment
of consoli-
dated rate.

163.—(1) Section 221 of the Public Health Act 1875 shall apply to the borough in respect of the consolidated rate as if the overseers were an urban authority and the rate therein mentioned were the consolidated rate.

(2) The powers of section 221 of the Public Health Act 1875 as applied to the consolidated rate by subsection (1) of this section shall extend to enable the

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overseers to amend any rate made by them so as to make the assessment to such rate accord with any new or supplementary valuation list during the currency of such rate. A.D. 1924.

164. 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 one half of the amount in the pound of the consolidated rate. Application of section 133 of Lands Clauses Consolidation Act 1845.

165. 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. As to recovery of consolidated rate.

166. 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.

167. The purpose 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.

168.—(1) The overseers may by notice in writing require the owner or occupier or reputed owner or occupier of any hereditaments in the parish (other than land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the Fourth Schedule to this Act or to the like effect and containing the particulars therein mentioned or referred to or such of them as the overseers may require: Overseers may require returns.

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

(A) Upon any change in the occupation or ownership of any hereditament; or

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- (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 twenty-one days after receipt of such notice as aforesaid shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty 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 shall whenever required by the assessment committee of the Hastings Union produce from time to time to such committee the returns or any of them obtained by the overseers under the provisions of this section.

(4) Nothing in this section shall require any railway company 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.

Extinction
of special
rate.

169. As from the first day of April one thousand nine hundred and twenty-five the expenditure falling to be raised by means of a special general district rate directed to be levied under Article XVIII. of the Borough of Hastings Extension Order 1897 which Order is scheduled to and confirmed by the Local Government Board's Provisional Order Confirmation (No. 17) Act 1897 on the district comprising the borough of Hastings as existing on the eighth day of November one thousand eight hundred and ninety-seven shall cease to be levied by special general district rate and shall be levied in the parish as an additional item of the consolidated rate.

Authenti-
cation of
summons
for non-
payment of
consolidated
rate.

170. The provisions of section 260 (Authentication of summonses for non-payment of rates) of the Act of 1885 shall be read and have effect as if the words "the consolidated rate" were inserted therein instead of the word "rates."

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PART XVI.

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FINANCE.

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

172.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the fund and rate 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):— Power to borrow.

1. Purpose.	2. Amount.	3. Charge.	4. Period for Repayment.
For the construction of the waterworks:—	£		Years from the date or dates of borrowing.
Buildings—pumping stations and cottages -	25,300	The borough fund and the borough rate.	Fifty.
Trunk mains -	16,969		Forty.
Wells and headings -	90,998		Fifty.
Machinery and pumping plant -	28,050		Twenty.
Fencing and roadways -	4,399		Thirty.
For the acquisition of lands and easements for the waterworks -	15,070		Sixty.
For working capital in connection with the water undertaking -	10,000		Ten.
For the construction of the street improvements and new streets by this Act authorised -	137,774		Thirty.
For the acquisition of lands and easements therefor -	64,763		Sixty.
For the payment of the costs and expenses of obtaining this Act as hereinafter defined -	The sum requisite.		Five years from the passing of this Act.

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(2) (a) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act other than the purposes of Part VI. (Electricity) and including the provision of working capital for the water undertaking and they may with the consent of the Electricity Commissioners as respects the said Part VI. borrow such money as may be necessary for any of the purposes of that Part.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of the interest thereon the Corporation may mortgage or charge such 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 of Health or the Electricity Commissioners as the case may be.

(3) The provisions of this section prescribing the fund or rate which may be mortgaged or charged shall not affect the operation of section 21 (Charge of Corporation stock) of the Act of 1885 or limit the powers conferred upon the Corporation by section 27 (Power to use one form of mortgage for all purposes) of the Act of 1911 or by the section of this Act whereof the marginal note is "Consolidated loans fund."

Application
of provi-
sions of Act
of 1911.

173. The following sections of the Act of 1911 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (that is to say):—

Section 23 (Sinking fund):—

Provided that the said section 23 shall be read and have effect as if the words "three pounds
" ten shillings per centum per annum or such
" other rate as the Minister of Health may
" approve" were inserted in subsection (1) (b)
of that section instead of the words "three
pounds per centum per annum";

Section 26 (Certain regulations of Public Health
Act as to borrowing not to apply);

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- Section 28 (Application of borrowed moneys); A.D. 1924.
Section 31 (Protection of lender from inquiry);
Section 33 (Corporation not to regard trusts).

174. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or by the issue of Corporation stock under and subject to the provisions of the former Acts or (with the consent of the Minister of Health under section 52 of the Public Health Acts Amendment Act 1890) by the creation and issue of stock under and subject to the provisions of the said Act of 1890 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Mode of raising money.

175. Subject to the provisions of section 27 (Power to use one form of mortgage for all purposes) of the Act of 1911 the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

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

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

176. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Mode of payment off of money borrowed.

177.—(1) The accountant shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under the authority of this Act.

Return to Minister of Health with respect to repayment of debt.

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(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the accountant or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the accountant or other officer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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

(4) The provisions of this section shall extend and apply to any annual returns required to be made to the Minister with regard to the repayment of debt by any provisions of the local Acts or Provisional Orders now in force in the borough notwithstanding anything contrary to or inconsistent therewith in any such Act or Order.

Rate of
accumulation
of
annual
payments
to sinking

178. Notwithstanding anything contained in the Acts or regulations governing the same the rate of accumulation of the annual payments to every accumulating sinking fund which has been formed by the Corporation for any purpose shall be three pounds ten

shillings per centum per annum or such other rate as the Minister of Health may from time to time approve.

fund for
repayment
of loans.

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

Power to
invest all
sinking
funds in
statutory
securities.

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

Appoint-
ment of
receiver.

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

181.—(1) The Corporation shall have power—

- (A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or
- (B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

Power to
re-borrow.

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

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A.D. 1924. — loan shall apply to the moneys borrowed under this section.

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

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

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

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

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

Scheme for
fixing
equated
periods.

182.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

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

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

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

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—

(5) The Corporation may with the sanction of the Minister of Health and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister of Health may sanction.

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

183. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Corporation may borrow the amount 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 total debt of the Corporation under those Acts.

As to section 234 of Public Health Act 1875.

184.—(1) Notwithstanding anything contained in the former Acts or in the Public Health Acts Amendment Act 1890 or in any other Act or Order as from the thirty-first day of March one thousand nine 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—

Consolidated loans fund.

(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;

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—

- (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;
- (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
- (D) A sum or sums equal to the aggregate amount of all dividends or interest payable in each year on the stock mortgages or other securities issued in exercise of the statutory borrowing powers of the Corporation and remaining outstanding.

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 (subject as hereinafter provided) shall be used or applied by the Corporation—

- (A) In the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation;
- (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; or
- (C) In the payment of dividends and interest on the stock mortgages or other securities issued in the exercise of the statutory borrowing powers of the Corporation and remaining outstanding:

Provided that any moneys of the consolidated loans fund pending use or application as aforesaid 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.

(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. A.D. 1924.

(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.

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

Use of moneys forming part of sinking and other funds.

- (A) The moneys so used shall be repaid to the lending fund by equal yearly or half-yearly instalments of principal or of principal and interest combined within the period and out of the fund or rate within and out of which a loan raised under the statutory borrowing power would be repayable ;
- (B) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid to the fund Such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund or rate which would be applicable to the payment of interest on a loan raised under the statutory borrowing power ;
- (C) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed

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to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

Evidence
of transfer
or trans-
mission of
securities.

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

Accounts.

187.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the following undertakings (that is to say) the water undertaking the electricity undertaking and the entertainments undertaking (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (A) The working and establishment expenses and cost of maintenance of the undertaking;
- (B) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (C) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (D) All other expenses (if any) of maintaining the undertaking;
- (E) The amount (if any) paid to any reserve fund formed for the purpose of the undertaking under the provisions of the section of this Act of which the marginal note is “Reserve funds.”

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(2) So much of section 71 (Treasurer to keep separate accounts) of the Act of 1885 as requires the keeping of separate accounts in respect of waterworks matters is hereby repealed. A.D. 1924.

188. In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as 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. Apportionment of items.

189.—(1) The Corporation are hereby authorised to maintain a reserve fund if they think fit in respect of each of the following undertakings (that is to say) the water undertaking the electricity undertaking and the entertainments undertaking by setting aside in any year in which the moneys received in respect of the undertaking shall be in excess of the payments and expenses in respect of the undertaking such an amount not exceeding a sum equal to the amount of the said excess or a sum equal to one half per centum on the aggregate amount of capital expended on the undertaking (whichever shall be the less) as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to one-tenth of such aggregate capital expenditure which fund shall be applicable from time to time to meet any deficiency at any time happening in the income from the undertaking in respect of which it is formed or any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens. Reserve funds.

(2) Any reserve fund which has been formed for the purposes of any of the said undertakings and which is in existence at the passing of this Act shall be deemed to have been formed under this section.

(3) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the

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A.D. 1924. — time have reached or may have been reduced below the prescribed maximum.

Accountant instead of town clerk to make annual returns to Minister of Health.

190. From and after the passing of this Act the accountant shall make to the Minister of Health any return in relation to any loans fund or sinking fund or instalments which by the former Acts or any of them or by any public Act the town clerk is required to make and any provision relating to the making of such return in any such Act shall be read and have effect as if the accountant were mentioned therein in lieu of the town clerk.

PART XVII.

MISCELLANEOUS.

Amendment of section 35 of Act of 1911.

191. Section 35 (Audit of accounts of Corporation) of the Act of 1911 shall be read and have effect as if the words "distinguished or representative bodies and persons" were inserted in subsection (3) (B) of that section instead of the words "distinguished persons."

Attachment of brackets &c. to buildings.

192.—(1) The Corporation may with the consent of the owner of any building or bridge attach thereto (but in the case of a bridge only to the underside thereof) such brackets pipes wires and attachments as may be required for lighting any street in the borough or in the electricity limits.

(2) Provided that—

(A) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building or bridge and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;

(B) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building

or bridge but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under proviso (A);

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- (c) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

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

(4) Notwithstanding anything contained in this section no brackets pipes wires or attachments shall be attached to any bridge or building belonging to or forming part of the railway of a railway company without the previous consent in writing of that company or if in the opinion of an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers such consent is unreasonably withheld the consent of such engineer.

193. The Corporation may convert any clinkers or other refuse or surplus material or product arising in connection with their refuse destructor into slabs of artificial stone bricks concrete mortar material for filtration or percolation purposes at sewage disposal works and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the borough fund.

Power to manufacture slabs &c. from destructor refuse.

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Dwelling-houses for persons in Corporation's employment.

194.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

Power to hold patent rights.

195. The Corporation may acquire hold and exercise such patent and other rights and licences (not being exclusive) as they deem necessary or expedient for any of the purposes of this Act or of their several undertakings.

Power to enter premises.

196. 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 VII. (Streets buildings sewers drains &c.) and Part VIII. (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

197. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under the provisions of Part VII. (Streets buildings sewers drains &c.) or Part VIII. (Infectious disease and sanitary provisions) of this Act or any byelaw made under any of those provisions 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 works required by the Corporation to be done he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged

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from any penalties to which he might otherwise have become liable by reason of his default in executing such works. A.D. 1924. —

198. All consents given by the Corporation under the provisions of any local enactment shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk. Consent of Corporation to be in writing.

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

200. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889. Application of Arbitration Act 1889.

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

202. Proceedings for the recovery of any demand made under the authority of any local enactment whether provision is or is not made for the recovery Recovery of demands in county court.

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A.D. 1924. in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of penalties &c.

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

Penalties to be paid over to accountant.

204. All penalties which are recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw made thereunder and which but for the provisions of this section would be payable to the borough treasurer shall be paid to the accountant and be by him carried to the credit of the borough fund or to such other fund as the Corporation shall direct.

Informations by whom to be laid.

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

Saving for indictments &c.

206. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act :

Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Summons or warrant may contain several sums

207. Where the payment of more than one sum by any person is due to the Corporation under any local enactment or general Act any summons or warrant issued for the purposes of such Acts or any of them in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

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208.—(1) The provisions of the following sections of the Public Health Act 1875 (namely) :— A.D. 1924.

- 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.)
- Confirmation of byelaws.

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

Provided that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

209. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Act hereinafter referred to or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal. As to appeal.

The provisions hereinbefore referred to are the provisions of Part VII. (Streets buildings sewers drains &c.) Part VIII. (Infectious disease and sanitary provisions) Part X. (Food) and Part XIII. (Police provisions) of this Act.

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

211. When any compensation costs damages or expenses is or are by any local enactment directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts Provided that where any such compensation costs damages or expenses is or are directed Compensation how to be determined.

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A.D. 1924. — or authorised to be paid or recovered in addition to any penalty for any offence the amount of such compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted.

Judges &c.
not dis-
qualified.

212. A judge of any court or a justice shall not be disqualified from acting in the execution of any local enactment by reason of his being liable to any rate.

Inquiries
by Minister
of Health.

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

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

Powers of
Act cumu-
lative.

214. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed :

Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

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

215. The Corporation shall not under the powers of this Act construct any work on over or under the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of

the Board of Trade and then only in accordance with such plans and sections and subject to such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

A.D. 1924.

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

Lights on works during construction.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

217. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Corporation under the powers of this Act on in over through or across any tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expenses of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

218. If a work constructed by the Corporation under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the

Abatement of work abandoned or decayed.

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A.D. 1924. amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Crown
rights.

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

Repeals in
connection
with Part
XVII. of
Act.

220. The following sections of the following enactments are hereby repealed (that is to say):—

The Act of 1900—

Section 111 (Compensation how to be determined);

Section 112 (Informations by whom to be laid);

The Act of 1911—

Section 36 (Informations by whom to be laid).

Costs of
Act.

221. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto 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 district fund or general district rate or such other funds and revenues and in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose.

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

THE FIRST SCHEDULE.

FORMER ACTS AND ORDERS RELATING TO THE COUNTY
BOROUGH OF HASTINGS.

Session and Chapter.	Title or Short Title.
2 Will. IV. c. xci. -	The Hastings Paving Act 1832.
14 & 15 Vict. c. xcviii. -	Provisional Order relating to Hastings confirmed by the Public Health Supplemental Act 1851 No. 2.
23 & 24 Vict. c. cxviii. -	Provisional Order relating to Hastings confirmed by the Local Government Supplemental Act 1860 (No. 2).
28 & 29 Vict. c. cx.	Provisional Order relating to Hastings confirmed by the Local Government Supplemental Act 1865 (No. 4).
38 & 39 Vict. c. cexi. -	Provisional Order relating to the borough of Hastings confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon Barnsley &c.) Act 1875.
40 & 41 Vict. c. cxxv. -	Provisional Order relating to the borough of Hastings confirmed by the Local Government Board's Provisional Orders Confirmation (Bridlington &c.) Act 1877.
48 & 49 Vict. c. cxevi. -	The Hastings Improvement Act 1885.
60 & 61 Vict. c. cxliv. -	Provisional Order relating to the borough of Hastings confirmed by the Local Government Board's Provisional Order Confirmation (No. 17) Act 1897.
61 & 62 Vict. c. ccv. -	The Hastings Corporation Electric Lighting Order 1898 confirmed by the Electric Lighting Orders Confirmation (No. 5) Act 1898.
63 & 64 Vict. c. cclxvi. -	The Hastings Corporation Act 1900.
1 & 2 Geo. V. c. xxxix. -	The Hastings Corporation (Water and Finance) Act 1911.
4 & 5 Geo. V. c. clxxxii. -	The Hastings Corporation (Pier) Order 1914.

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SECOND SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY ARE
TO BE TAKEN.

Parish.	Numbers on Deposited Plans.
Brede - - - -	15.
Hastings - - - -	6 7 30 31 32 33 34 37 40 42 43 46 and 50.
Ore - - - -	2.
Guestling - - - -	2.

THIRD SCHEDULE.

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 - - -	

FOURTH SCHEDULE.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER
PARTICULARS TO BE RENDERED UNDER THE HASTINGS
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 - - - - -	

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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 persons to whom the rent is paid.)	
4. Whether the property is occupied— (a) Wholly as a private residence - - - - or (b) Partly as a dwelling-house and partly for trade or business purposes - - - - or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - - - (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (d) Nature of the business (if any) -	(a) (b) (c) (d)
5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - -	
6. Amount of rent - - - - or If ground rent only is paid state its amount - - - -	£ per £ per
7. Whether the property is held under lease or agreement for a period of years - - - - or By the year quarter month or week - - - -	
8. (a) Date of commencement of term of lease or agreement - - - - (b) Term of years for which granted (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - (If none insert "None.")	(a) (b) (c) Amount paid for lease £
9. If the occupier is the owner or has purchased the lease the full annual value should be stated <i>i.e.</i> the amount at which the property is worth to be let by the year the owner keeping it in repair - - - -	} Annual Value £

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<p>10. (a) Amount of land tax (if any) - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 (State in each case whether borne by the landlord or tenant.)</p>	<p>(a) £ . Borne by the (b) £ . Borne by the</p>
<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -</p>	
<p>12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - - (If each undertakes to bear part only of the cost of repairs state the particulars.)</p>	

DECLARATION.

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

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