



## CHAPTER xcvi.

An Act to empower the mayor aldermen and burgesses of the county borough of Oldham to execute street improvements to confer further powers upon them in connection with their several undertakings to consolidate with amendments the local legislation relating to their tramways undertaking to make better provision for the health local government and finance of the borough and the levying of rates therein and for other purposes.

A.D. 1925.

[7th August 1925.]

**W**HEREAS the borough of Oldham (in this Act referred to as "the borough") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the mayor aldermen and burgesses of the borough (in this Act referred to as "the Corporation") acting by the council are the urban sanitary authority for the borough:

And whereas it is expedient to provide a more convenient boundary between a portion of two of the wards of the borough and that such boundary should be altered as by this Act provided:

And whereas it is expedient that the Corporation should be empowered to construct street improvements in the borough and to acquire lands for that purpose and

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A.D. 1925. for an extension of the town hall and that further powers should be conferred upon them with respect to the acquisition of lands :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their tramways undertaking including powers in relation to the running of trolley vehicles and the working of omnibuses :

And whereas there are in force varying provisions relating to different portions of the tramways undertaking of the Corporation and it would be of public and local advantage if such of the said provisions as it is deemed expedient to retain were consolidated with certain amendments and additions and made applicable to the whole of the said undertaking :

And whereas the tramways in the urban districts of Crompton Royton and Lees are leased by the councils of those districts respectively to and are now worked by the Corporation and it is contemplated that the tramways of the urban district council of Chadderton should when constructed be leased to and worked by the Corporation and it is expedient that the maximum fares chargeable on those tramways should be altered as by this Act provided :

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

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

And whereas all the expenses of the Corporation whether as a municipal or sanitary authority or otherwise are now payable out of the borough fund and borough rate of the borough subject to provisions for differential rating in certain cases :

And whereas the township of Oldham is co-terminous with the borough and it is expedient that the contributions of such township to the borough rate should

be levied as part and be paid out of the poor rate for the said township and that in relation thereto the provisions contained in this Act with respect to differential rating in certain cases should be enacted : A.D. 1925.

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

	£
For the purchase of lands and for the construction of the street improvements by this Act authorised - -	165,700
For the provision and equipment of the trolley vehicles - - - -	318,400
For the provision of omnibuses - -	44,000
For the erection and equipment of a garage and depôts for trolley vehicles and omnibuses - - - -	35,100

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

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

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

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

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the *Oldham Corporation Act 1925.*

Division of Act into Parts.

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

- Part I.—Preliminary.
- Part II.—Alteration of ward boundaries.
- Part III.—Street improvements and lands.
- Part IV.—Tramways trolley vehicles and omnibuses.
- Part V.—Water.
- Part VI.—Gas.
- Part VII.—Electricity.
- Part VIII.—Markets.
- Part IX.—Baths.
- Part X.—Parks.
- Part XI.—Streets and buildings.
- Part XII.—Sewers and drains.
- Part XIII.—Infectious disease.
- Part XIV.—Sanitary provisions.
- Part XV.—Human food.
- Part XVI.—Maternity homes.
- Part XVII.—Hackney carriages.
- Part XVIII.—Police.
- Part XIX.—Rating provisions.
- Part XX.—Finance.
- Part XXI.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of Act so far as the same are applicable to the purposes of and are not

inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say) :—

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- (1) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 :
- (2) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 Provided that the said section 19 shall be read and have effect as if the words “ but “ nothing in this Act contained shall authorise “ any local authority to place and run carriages “ upon such tramways and to demand and take “ tolls and charges in respect of the use of such “ carriages ” were omitted from that section.

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

Interpreta-  
tion.

“ The borough ” means the borough of Oldham ;

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

“ The council ” means the council of the borough ;

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

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

“ The Lands Clauses Acts ” means those Acts and the Acquisition of Land (Assessment of Compensation) Act 1919 ;

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- “The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;
- “The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and the Acts amending and extending the same;
- “The Act of 1865” means the Oldham Borough Improvement Act 1865;
- “The Act of 1880” means the Oldham Improvement Act 1880;
- “The Act of 1909” means the Oldham Corporation Act 1909;
- “The authorised tramway” means the Tramway No. 2 authorised by the Oldham and Chadderton Tramways Order 1919 the construction of which has not been completed prior to the passing of this Act and which is described in Part II. of the Second Schedule to this Act;
- “The tramways” means the existing tramways described in Part I. of the Second Schedule to this Act the authorised tramway and any tramways or tramroads from time to time belonging to or authorised to be constructed by the Corporation and whether within or beyond the borough;
- “The tramways undertaking” means and includes the tramways trolley vehicle and omnibus undertakings of the Corporation as from time to time authorised;
- “Mechanical power” means electrical or any other motive power not being animal power;
- “Engine” includes motor;
- “Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;
- “Telegraphic line” has the same meaning as in the Telegraph Act 1878;
- “The street improvements” means the street improvements by this Act authorised;

- “The water limits” means the limits within which the Corporation are from time to time authorised to supply water;
- “The water undertaking” means the water undertaking of the Corporation as from time to time authorised;
- “The gas undertaking” means the gas undertaking of the Corporation as from time to time authorised;
- “The electricity undertaking” means the electricity undertaking of the Corporation as from time to time authorised;
- “The markets undertaking” means the markets undertaking of the Corporation as from time to time authorised;
- “Daily penalty” means a penalty for every day on which any offence is continued after conviction;
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is from time to time applicable within the borough;
- “Child” means a person under the age of sixteen years;
- “Food” includes every article (other than drugs or water) used for food or drink by man;
- “Maternity home” means any premises in the borough used or represented as being or intended to be used (whether regularly or on any occasion) for the reception of a woman or women for the purposes of or in connection with or arising out of pregnancy or childbirth where any payment or reward is made or given by or on behalf of any woman received therein in respect of such reception but does not include any house flat or other self-contained premises not regularly so used taken and held by or for or on behalf of any woman for the purpose of accommodating her during her confinement;
- “Hackney carriage” means a hackney carriage as defined in the Town Police Clauses Act 1847;

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- “The township” means the township of Oldham;
- “The overseers” means the overseers of the township;
- “The poor rate” means the poor rate of the township;
- “The town rate” means the poor rate as by this Act authorised to be levied and collected;
- “Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;
- “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed; and
- “Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation.



PART II.

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ALTERATION OF WARD BOUNDARIES.

5. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of wards the portion of the St. Paul's Ward of the borough lying to the west of the centre of Elm Road and Poplar Avenue shall for the purposes of the election of councillors and aldermen be detached from that ward and added to the Hollinwood Ward of the borough and the councillors and aldermen representing or assigned to the said wards respectively immediately prior to the passing of this Act shall be deemed thereafter to have been duly elected for or assigned to and shall represent those wards respectively as altered by this section.

Alteration of boundary of municipal wards.

6. Subject to the provisions of section 60 of the Local Government Act 1894 the portion of the St. Paul's Ward of the township lying to the west of the centre of Elm Road and Poplar Avenue shall for the purposes of the election of the guardians of the poor be detached from that ward and added to the Hollinwood Ward of the township and the guardians of the poor representing the said wards respectively immediately prior to the passing of this Act shall be deemed thereafter to have been duly elected for and shall represent those wards respectively as altered by this section.

Alteration of boundary of guardians' wards.

7.—(1) In the preparation of the autumn register 1925 so far as relates to any area affected by this Part of this Act it shall be competent to the registration officer to frame the registers in separate parts for each area which will constitute a registration unit after the passing of this Act instead of in separate parts for each area constituting a registration unit before the passing of this Act.

As to register of local government electors.

(2) If the register of local government electors for any area affected by this Part of this Act is not so framed as to show the persons entitled to vote at an election to be held for a ward or other voting area the town clerk shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election and it shall be the duty of the overseers to render such assistance as may be required by the town clerk for the purpose of such alteration or re-arrangement.

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Saving for  
contribution  
orders and  
precepts:

8. Notwithstanding the alteration of boundary of the wards effected by this Part of this Act all contribution orders and precepts made or issued prior to the passing of this Act shall be as valid in law as if this Act had not been passed.

### PART III.

#### STREET IMPROVEMENTS AND LANDS.

Power to  
construct  
street  
improve-  
ments.

9. Subject to the provisions of this Act the Corporation may within the borough make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvements in this section described together with all necessary and proper works and conveniences connected therewith or incident thereto and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the construction of such works or for the purpose of providing space for the erection of buildings adjoining or near to such works or for other the purposes of this Part of this Act (that is to say) :—

Work No. 1 A widening of Cheapside on the west side thereof and of West Street on the north side thereof between the north side of Bolton's Buildings and a point 12 yards east of Hopwood Street :

Work No. 2 A widening of Henshaw Street on the west side thereof of Market Place on the north side thereof and of Cheapside on the east side thereof between the south side of the passage adjoining the Crown and Anchor Hotel and the south-west corner of the Crown Hotel :

Work No. 3 A widening of Market Place on the north side thereof and of Henshaw Street on the east side thereof between a point 19 yards east of the passage adjoining the Red Lion Hotel and the south-west corner of the Central Temperance Hotel :

Work No. 4 A widening of Manchester Street on the north side thereof between the Market Place and a point 28 yards south-west thereof :

Work No. 5 A widening of Manchester Street on the south side thereof and of George Street on the north-west side thereof between the north-east corner of the Regent Hotel and the north-east corner of No. 10 George Street : A.D. 1925.

Work No. 6 A widening of George Street on the south-east side thereof and of St. Peter's Street (continuation) on the north side thereof between a point 11 yards north-east of the St. Peter's Street (continuation) and a point 8 yards south-east thereof :

Works Nos. 7 and 8 A widening of Yorkshire Street on the south side thereof between the north-east corner of the Bird in Hand Inn and the north-west corner of No. 38 Yorkshire Street :

Work No. 9 A widening of Yorkshire Street on the south side thereof and of Bow Street on the north side thereof between the north-west corner and the south-west corner of No. 128 Yorkshire Street :

Work No. 10 A widening of Glodwick Road on the east side thereof and of Vineyard Street on the south-east side thereof between the north side of the bridge over the London Midland and Scottish Railway and a point 35 yards south-west of Lees Road :

Work No. 11 A widening of Vineyard Street on the north-west side thereof between the south-east corner of the Railway Inn and the south corner of No. 22 Vineyard Street :

Work No. 12 A widening of Vineyard Street on the north-west side thereof between the south corner of No. 10 Vineyard Street and a point 16 yards south-west of Lees Road :

Work No. 13 A widening of Lees Road on the north side thereof between Clarksfield Road and Chancery Street :

Works Nos. 14 and 15 A widening of Lees Road on the south side thereof between Brewerton Road and a point 27 yards east of Huxley Street :

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Works Nos. 16 to 19 A widening of Lees Road on the north side thereof between Clarksfield Street and a point 23 yards east of Abercorn Street :

Works Nos. 20 to 23 A widening of King Street and Ashton Road on the west side thereof between a point 46 yards north of Wainwright Street and the south side of Back Rowbottom Street :

Works Nos. 24 and 25 A widening of Ashton Road on the east side thereof between Urmson Street and a point 15 yards north of Beehive Street :

Work No. 26 A widening of Ashton Road on the west side thereof between Hathershaw Lane and Boundary Street :

Work No. 27 A widening of Ashton Road on the east side thereof between Adam Street and the borough boundary at Hathershaw 100 yards south of Eve Street :

Work No. 28 A widening of Hollins Road on the south-east side thereof between a point 19 yards west of the entrance to the Copster Hill Park and the north corner of No. 4 Wrigley Place :

Work No. 29 A widening of Hollins Road on the north-west side thereof between Frederick Street and the north-east side of the passage adjoining No. 276 Hollins Road :

Work No. 30 A widening of Manchester Road and Hollins Road at the junction thereof between a point in Manchester Road 24 yards north-east of Hollins Road and a point in Hollins Road 27 yards east of Manchester Road :

Work No. 31 A widening of Hollins Road and Manchester Road on the south-east sides thereof between the canal bridge and Stott Street :

Work No. 32 A widening of Manchester Road on the north-west side thereof between the north-east side of the passage adjoining the White Swan Hotel and the passage adjoining No. 622 Manchester Road :

Work No. 33 A widening of Manchester Road on the east side thereof between the passage adjoining No. 353 Manchester Road and Camden Street : A.D. 1925.

Work No. 34 A widening of Manchester Road on the north-west side thereof and of Drury Lane on the south-west side thereof between Clement Street and a point in Drury Lane 31 yards north-west of Manchester Road :

Work No. 35 A widening of Featherstall Road North on the north-west side thereof and of Chadderton Road on the south-west side thereof between a point in Featherstall Road North 19 yards south-west of Chadderton Road and a point in Chadderton Road 10 yards south-east of Atkinson Street :

Works Nos. 36 and 37 A widening of Chadderton Road on the south-west side thereof between a point 75 yards south-east of Oswald Street and a point 45 yards north-west of Busk Road.

10. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall apply and have effect with reference to the Street Work No. 13 authorised by this Act and any works in connection therewith (in this section referred to as "the said street work") except so far as may be otherwise agreed in writing between the Corporation and the company :—

For protection of London Midland and Scottish Railway Company.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall not without the previous consent in writing of the company under their common seal purchase or acquire by compulsion any lands or property belonging to the company but the Corporation may purchase and take and the company shall sell and grant accordingly an easement or right of using so much of their lands as may be necessary for the construction maintenance and user of the said street work The amount to be paid for the acquisition of such easement shall be ascertained in case of difference in

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the manner provided by the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and this Act :

- (2) The Corporation shall before they commence the construction of so much of the said street work as shall or may pass over or in any way affect the railway property or works of the company submit to the principal engineer of the company (in this section referred to as "the principal engineer") plans sections and specifications of the said street work proposed to be carried out by the Corporation for the reasonable approval of the principal engineer and such plans shall show the stages by which it is intended to carry out the said street work :

Provided that if within one month from the submission of such plans sections and specifications the principal engineer does not signify to the Corporation his disapproval thereof and his requirements in regard thereto he shall be deemed to have approved thereof Any difference between the Corporation and the principal engineer relative to the said plans sections and specifications shall be referred to arbitration under this section So much of the said street work as aforesaid shall be constructed only according to such plans sections and specifications as shall be approved by the principal engineer or determined by arbitration and under the superintendence (if given) and to the reasonable satisfaction of the principal engineer :

- (3) Before the Corporation commence the construction of the said street work any temporary works which may in the opinion of the principal engineer be reasonably necessary to ensure the safety of the said railway works and property may and shall be carried out by the company for the Corporation and any expenses reasonably incurred in connection therewith (including compensation payable to any workmen or the legal representatives or

dependents of workmen who may be injured or killed whilst employed by the company exclusively in and about such works) shall be repaid by the Corporation to the company :

- (4) On completion of the new structures carrying the said street work upon or over the lands of the company or adjoining their railway they shall if the company so elect be maintained by them and the reasonable cost thereof shall be paid by the Corporation and the footways and any widening of the road effected by the Corporation shall be maintained by and at the expense of the Corporation :
- (5) If during and in consequence of the execution of the said street work the said railway or any of the works connected therewith or any property of the company shall be injured or damaged such injury or damage shall forthwith be made good by the company who may recover the amount reasonably expended in so doing from the Corporation :
- (6) The Corporation shall not in executing the said street work in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway and property of the company or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the railway of the company or any traffic thereon shall be obstructed hindered or interfered with by the Corporation contrary to this enactment the Corporation shall notwithstanding any approval as aforesaid pay to the company all reasonable costs and expenses to which the company may be put as well as reasonable compensation for the loss sustained by them by reason of any such interruption or interference :
- (7) Notwithstanding anything contained in this Act the Corporation shall be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to their railway works or property or to any person or persons using the same

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by reason of the construction alteration or maintenance of the said street work or of the failure of any part thereof repairable by the Corporation or of any act or omission of the Corporation or of any of the persons in their employ or of their contractors and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such construction alteration maintenance failure or omission :

- (8) During the construction of the said street work and of any of the further works mentioned in this section the Corporation shall bear and on demand pay to the company the reasonable expense of the employment by them of such inspectors and watchmen to be appointed by them as may be reasonably necessary for inspecting the said railway and further works as aforesaid and for watching their railway and the works and conveniences connected therewith in consequence of the construction of the said street work and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Corporation or from the acts or defaults of their contractors or of any person or persons in their employ and the Corporation shall at all times give ample facilities to the principal engineer and his assistants or inspectors for full and free access to the said street work during or after construction and shall also furnish him or them with every information he or they may reasonably require with regard to such street work or the method of construction thereof :
- (9) If by reason of the construction of the said street work it shall become necessary in the opinion of the principal engineer to add to or alter any signal or signal apparatus on the railway of the company the same shall be so added to or altered by the company and the reasonable expense thereof shall be repaid by the Corporation to the company :



(10) If the company shall at any time after the construction of the said street work desire to widen alter or extend their railway or any of the works or conveniences connected therewith the Corporation shall give to the company every reasonable facility for the execution of such widening alteration or extension and any additional expense to which the company may be put in carrying out any such widening alteration or extension by reason of the construction of the said street work shall be repaid to them by the Corporation :

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(11) Any difference which shall arise between the Corporation and the company or their respective engineers under this section other than subsection (1) thereof shall be referred to and be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

11. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the railway company") shall unless otherwise agreed in writing between the Corporation and the railway company apply and have effect (that is to say) :—

For  
protection  
of London  
and North  
Eastern  
Railway  
Company.

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Corporation shall not except by agreement enter upon take or use any land or property belonging to the railway company but the Corporation may purchase and take and the railway company shall sell and grant accordingly an easement or right of using so much of their lands as may be necessary for the construction maintenance and user of Work No. 31 by this Act authorised and any works connected therewith (in this section referred to as "the authorised works") and the amount to be paid for the acquisition of such easement shall be ascertained in case of difference in

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the manner provided by the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and this Act :

- (2) The construction and maintenance of the authorised works over upon or across or affecting any lands or property of the railway company shall be carried out in accordance with plans sections and specifications previously submitted to and approved by the engineer of the railway company and under his direction and superintendence if given and so as to interfere as little as may be reasonably practicable with the access to the canal and other property of the railway company. Provided that if the said engineer shall not approve or disapprove any plans sections or specifications so submitted to him within twenty-eight days after such submission he shall be deemed to have approved thereof :
- (3) The Corporation shall with all despatch restore and make good to the reasonable satisfaction of the said engineer the land and other property of the railway company so far as the same may be disturbed or interfered with by or in connection with the authorised works :
- (4) If any difference shall arise between the Corporation and the railway company under subsections (2) and (3) of this section the same shall be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

Limits of deviation.

**12.** In constructing the street improvements 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 they may deviate from the levels thereof as shown on the deposited sections to any extent not exceeding three feet.

**13.**—(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 street improvements 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 such works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purposes of connecting the same with such works or of crossing under or over the same or otherwise 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 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.

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—  
Subsidiary  
works.

(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.

**14.** 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 as the circumstances of the case will admit and the provisions of section 308 of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to  
alter steps  
pipes &c.

**15.** And whereas in order to avoid in the execution and maintenance of the street improvements any injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation

Under-  
pinning  
of houses  
near works.

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- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk at his office :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference :
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :

- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section: A.D. 1925.  
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- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against any further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of the requirements of and in the mode prescribed by the arbitrator the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this section shall subject to the provisions of this Act be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

**16.**—(1) Subject to the provisions of this Act the Corporation may enter upon take and use certain lands within the borough delineated on the deposited plans and described in the deposited book of reference and lying— Power to acquire lands for town hall.

- (a) between Clegg Street and Mill Street and bounded on the north by the maternity and child welfare

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centre and No. 6 Mill Street and on the south by No. 3 Clegg Street; and

(b) between Clegg Street and Mill Street and bounded on the north by No. 3 Clegg Street and on the south by a yard and shed being part of No. 7a Clegg Street.

(2) The Corporation may exercise upon the said lands all or any of the powers of section 105 of the Municipal Corporations Act 1882 and the provisions of that Act shall apply to any buildings erected under the provisions of this section as fully and completely as if such buildings had been erected under the provisions of the said Act.

Acquisition  
of lands for  
cemetery  
extension.

17.—(1) The Corporation may enter upon take and use certain lands in the urban district of Chadderton delineated on the deposited plans and described in the deposited book of reference adjoining the Chadderton cemetery of the Corporation on the north side thereof and extending northward therefrom for a distance of one hundred and forty yards and lying between points respectively eighty-three yards and three hundred and sixty yards west of Broadway.

(2) Upon the acquisition of the said lands the Corporation may appropriate and use the same for burial purposes with and as part of their existing cemetery and burial ground.

(3) The said lands when appropriated for burial purposes shall form part of the Chadderton Cemetery and shall be subject to all the provisions byelaws and regulations applicable to that cemetery or to the Corporation in respect thereof except any provisions of the Burial Acts 1852 to 1906 which may interfere with or restrict the use of the land for burials.

Temporary  
stoppage of  
streets.

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

(2) The Corporation shall provide reasonable access for foot passengers and vehicular traffic bonâ fide going to or returning from any such house railway station or depôt.

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19. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the thirty-first day of December one thousand nine hundred and twenty-five.

Period for compulsory purchase of lands.

20.—(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 premises.

(a) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are in this section included in the term “ the owner ” and the said properties are in this section referred to as “ the scheduled properties ” ;

(b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled 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

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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 scheduled properties 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 scheduled properties 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 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 scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;
- (f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they 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;



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(g) If the tribunal determine that the portion of the scheduled properties 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 contained in the Lands Clauses Consolidation Act 1845 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 scheduled 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 or endorsed on every notice given thereunder to sell and convey any premises.

**21.** 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 lands in question may apply to two justices acting for the borough 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 Lancaster 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 or book of reference

Correction  
of errors in  
deposited  
plans and  
book of  
reference.

A.D. 1925: 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.

Persons under disability may grant easements &c.

**22.** 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.

Extinction of private rights of way.

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

Compensation in case of recently altered buildings.

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

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

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—  
Further powers for acquisition of land.

(2) 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.

**26.**—(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 from time to time in force in the borough and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Retention and disposal of lands.

(2) 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

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A.D. 1925. any lands of the Corporation in any case in which such consent would be required if this Act had not been passed.

Proceeds of  
sale of  
surplus  
lands.

**27.**—(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 subject to the provisions of the section of this Act of which the marginal note is “Consolidated loans fund” apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Subject as aforesaid 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.

Repeal of  
certain  
provisions  
as to lands.

**28.** The following enactments are hereby repealed:—

The Act of 1865—

Section 283 (Power to grant building leases of lands near park &c.);

Section 284 (Power to make agreements as to building leases &c.);

Section 285 (Sale of lands subject to building leases &c.);

Section 286 (Power to sell without previous grant of building leases);

Section 287 (Power to enforce stipulations for benefit of adjoining owners);

Section 288 (Sales to be made within twenty years);

Section 289 (Power to sell &c. lands not wanted);

Section 290 (Lands in certain cases not to be sold without consent of Treasury).

The Oldham Corporation Waterworks &c. Act A.D. 1925.  
1870—

Section 54 (Power to dispose of lands).

The Act of 1880—

Section 210 (Corporation may sell or lease lands  
not required by them).

The Oldham Corporation Act 1899—

Section 13 (Power to retain sell &c. lands);

Section 14 (Proceeds of sale of surplus lands).

The Oldham Corporation Act 1900—

Section 15 (Power to retain sell &c. lands);

Section 16 (Proceeds of sale of surplus lands).

The Act of 1909—

Section 49 (Incorporation of sections of Act of  
1900).

#### PART IV.

#### TRAMWAYS TROLLEY VEHICLES AND OMNIBUSES.

##### *Tramways.*

**29.** The tramways undertaking as it exists at the passing of this Act shall continue vested in the Corporation and be held used and enjoyed by them.

Tramways undertaking to continue vested in Corporation.

**30.**—(1) The Corporation may make form construct lay down work use repair maintain and renew the tramways or any of them and so far as regards the authorised tramway in accordance with the amended plans and sections deposited at the office of the Board of Trade for the purposes of the Oldham and Chadderton Tramways Order 1919 together with all proper and convenient rails plates sleepers channels junctions turntables turnouts crossings passing-places posts poles brackets wires stables carriage-houses generating transformer and other stations engine-houses sheds buildings works appliances and conveniences in over or under ground connected therewith or for the purpose thereof and may equip the same with the necessary plant and rolling stock and the Corporation may take up remove and alter the position of any existing

Power to make maintain and use tramways.

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A.D. 1925. tramways and the rails and other works connected therewith which it may be necessary to take up remove or alter for the purposes of laying down the authorised tramway Provided that the authorised tramway shall not be opened for traffic until the carriageway throughout its entire length has been widened by the reduction of the footways or otherwise to a minimum width of twenty-four feet.

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

(3) Nothing in this section shall relieve the Corporation from the necessity of obtaining the consent of the Electricity Commissioners under section 11 of the Electricity (Supply) Act 1919 to the erection or extension of a generating station.

Period for completion of authorised tramway.

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

Tramways to continue subject to byelaws.

**32.** The byelaws and regulations applicable to the existing tramways of the Corporation shall so far as such byelaws and regulations are applicable extend and apply to the tramways.

As to electrical works &c.

**33.** The Corporation may in under or over the surface of the streets or roads in which the tramways are situate or in which it may be necessary so to do in order to facilitate the working of the tramways or to connect the same with any generating station construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working the tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such

street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided as follows:—

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(a) All posts and apparatus erected by the Corporation under the powers of this Act in any street or road shall be of such design as the local authority may approve and shall be placed in such position as the local authority and road authority may approve Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport ;

(b) The route in which any electrical apparatus is to be laid or erected for the purpose of connecting the tramways with a generating station shall be approved by the local authority and the road authority within whose jurisdiction each portion of the route is situate.

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

Gauge of tramways.

(2) In the event of the tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine shall exceed six feet six and a half inches in width or such other width as may from time to time be prescribed by the Minister of Transport.

**35.** The rails of the tramways shall be such as the Minister of Transport may approve.

Rails of tramways

**36.** In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before commencing the construction laying down and renewal of any of the tramways or of any part thereof lay before the Minister of Transport and the road authority a plan showing the proposed mode of constructing laying down and renewing such tramways and a statement of the materials

Plan of proposed mode of construction.

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A.D. 1925. — intended to be used therein and the Corporation shall not commence the construction laying down and renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Minister of Transport and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence (if given) and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section 26.

Penalty  
for not  
maintaining  
rails and  
roads.

**37.**—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(2) In case it is represented in writing to the Minister of Transport by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of that district that the Corporation have made default in complying with the provisions of this section or with any of the requirements of section 28 of the Tramways Act 1870 the Minister of Transport may if he thinks fit direct an inspection by an officer to be appointed by him and if the officer reports that the default has been proved to his satisfaction then and in every such case a copy of that report certified by a secretary or an assistant secretary of the Ministry of Transport may be adduced as evidence of the default and of the liabilities of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways  
to be kept  
on level of  
surface of  
road.

**38.** If and whenever after the passing of this Act the road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Corporation may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.



**39.** If any road in which any of the tramways may have been laid be at any time hereafter widened or improved the Corporation may from time to time take up and remove such tramways and relay the same in the widened or improved road as nearly as may be along the centre of the road as widened or improved.

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—  
 Tramways to be relaid in centre of widened roads.

**40.**—(1) Notwithstanding anything contained in this Act the Corporation with the consent of the Minister of Transport may—

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

- (a) make maintain alter and remove such cross-overs passing places sidings junctions and other works with reference to any of the tramways as they find necessary or convenient for the efficient working of those tramways or for forming junctions with other tramways or light railways or for providing access to any warehouses stables or carriage-houses or works of the Corporation;
- (b) lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways either when constructing the tramways or at any time thereafter; and
- (c) construct or take up and reconstruct any of the tramways in such position in the road in which it is authorised to be constructed as they may think fit.

(2) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between such rail and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid (except with the consent of the Minister of Transport) if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

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Cross-overs  
to be  
constructed  
in certain  
cases.

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

Temporary  
tramways.

42. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the tramways is laid it shall in the opinion of the road authority be expedient temporarily to remove or discontinue the use of that tramway or any part thereof the Corporation may with the consent of the road authority and subject to such conditions as the road authority may impose construct in the same or any adjacent road and (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arises between the Corporation and the road authority with respect to any conditions or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled by an arbitrator to be appointed by the Minister of Transport.

Corporation  
may reduce  
footpath for  
constructing  
tramways.

43. The Corporation may increase the roadway of any street or road in the borough in which any of the tramways is authorised to be laid by reducing the width of the footpath on each or either side of such street or road Provided that no footpath be so reduced as to be less than five feet in width.

Application  
of road  
materials  
excavated  
in con-  
struction of  
works.

44. Any paving metalling or material excavated by the Corporation in the construction of any works under the authority of this Part of this Act from any road under the jurisdiction or control of any road authority may be applied by the Corporation so far as may be necessary in or towards the reinstatement of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Corporation are by section 28 of the Tramways Act 1870 required to maintain and the Corporation shall

if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Corporation and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by an arbitrator to be nominated by the Minister of Transport on the application of either party.

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45. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by an officer appointed by the Minister of Transport.

Inspection  
by Minister  
of Trans-  
port.

46.—(1) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power but nothing in this section shall empower the Corporation to create or permit a nuisance or to manufacture any such plant appliances and conveniences required for the working or user of the tramways.

Power to  
Corporation  
to work  
tramways.

(2) The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways from time to time belonging to and worked by the Corporation be made by the Corporation alone.

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—  
Motive  
power on  
tramways.

47. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Minister of Transport:
- (2) The Minister of Transport shall make regulations (in this Act referred to as "the Ministry of Transport regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power:
- (3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Ministry of Transport regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a daily penalty not exceeding five pounds:
- (4) The Minister of Transport if he is of opinion—
  - (a) That the Corporation or such company or person have or has made default in complying with the provisions of this Act or of the Ministry of Transport regulations whether a penalty in respect of such non-compliance has or has not been recovered; or
  - (b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Minister of Transport may impose and the Corporation or such company or person shall comply with every such order. In every such case the Minister of Transport shall make a special report to Parliament notifying the making of such order.

48.—(1) Subject to the provisions of this Act the Minister of Transport may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

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—  
Byelaws by  
Minister of  
Transport.

- (a) For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages;
- (b) For regulating the emission of smoke or steam from engines used on the tramways;
- (c) For providing that engines and carriages shall be brought to a stand at the intersection of cross-streets and at such places and in such cases of horses being frightened or of impending danger as the Minister of Transport may deem proper for securing safety;
- (d) For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;
- (e) For providing for the due publicity of all byelaws and Ministry of Transport regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

(2) Any person offending against or committing a breach of any of the byelaws made by the Minister of Transport under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

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

Apparatus  
used for  
mechanical  
power  
deemed  
part of  
tramways.

50.—(1) The Corporation may with the consent of the owner of any building wall or bridge attach to such structure such brackets wires and apparatus as may be

Attach-  
ments of  
brackets to  
buildings.

A.D. 1925. required for the working of the tramways by mechanical power. 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 structure 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 that owner ceases to be in possession of the building wall 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);

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

(2) For the purpose of this section any occupier of a building wall or bridge 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.

(3) Notwithstanding anything contained in this section no brackets wires or apparatus shall be attached to any building wall or bridge belonging to or forming part of the railway or canal undertaking of a railway company without their consent in writing which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport.

51. The following provisions shall apply to the use of electrical power under this Part of this Act unless such power is entirely contained in and carried along with the carriages :—

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Special provisions as to use of electrical power.

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The electrical power shall be used only in accordance with the mechanical power regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) The Corporation shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Ministry of Transport regulations and in prescribing such means the

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Minister of Transport shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

- (5) The provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Minister of Transport or at his option by an arbitrator to be appointed by him and the costs of such determination shall be in the discretion of the Minister or of the arbitrator as the case may be :
- (7) The expression " Corporation " in this section includes lessees licensees and any person owning working or running carriages over any of the tramways.

Alteration  
of telegraph  
lines of  
Postmaster-  
General.

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

For pro-  
tection of  
Post Office  
telegraph  
lines.

**53.** In the event of any of the tramways being worked by electricity the following provisions shall have effect :—

- (1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's



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Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration :

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

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Corporation's works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Ministry of Transport regulations :

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

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telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Minister of Transport on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "Corporation" includes their lessees and any person owning working or running carriages on any of the tramways.

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

- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways ;

Use of  
tramway  
posts by  
Postmaster-  
General.

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- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain. Any difference as to any matter referred to in such notice shall be determined as hereinafter provided;
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Minister of Transport arising through the exercise by the Postmaster-General of the powers conferred by this section;
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires. Any difference as to the conditions of attachment shall be determined as hereinafter provided;
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road;

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- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair;
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants;
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided;
- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants;
- (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the

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post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

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

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

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

Use of  
tramways.

**55.** The tramways may be used for the carriage of passengers animals goods minerals and parcels but the Corporation shall not be bound unless they think fit to carry any animals goods minerals or parcels other than personal luggage as hereinafter provided.

Passengers'  
fares.

**56.** The Corporation may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding three halfpence per mile and in computing the said fare any fraction of a mile shall be deemed a mile.

**57.**—(1) The Corporation at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of cars for artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one penny for every mile or fraction of that distance On Saturdays the Corporation in lieu of running such cars after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

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Cheap fares for labouring classes.

(2) If complaint is made to the Minister of Transport that such proper and sufficient service is not provided the Minister after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to him to be reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

**58.** Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage be carried by hand and at the responsibility of the passenger and shall not occupy any part of a seat required for a passenger nor be of a form or description to annoy or inconvenience other passengers.

Passengers' luggage.

**59.** Subject to the provisions of the preceding section of this Act the Corporation may demand and take for all animals goods minerals and parcels conveyed upon the tramways or any part thereof such charges as they shall think fit not exceeding the charges specified in the Third Schedule to this Act.

Charges for goods.

**60.** If at any time after three years from the passing of this Act or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof or any tramways in the urban districts of Crompton Royton Lees and Chadderton so long as the same are leased to the

Periodical revision of fares and charges.

[Ch. xcvi.] *Oldham Corporation* [15 & 16 GEO. 5.]  
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Corporation it is represented in writing to the Minister of Transport by the local authority of any district in which the said tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the said tramways or on such portion should be revised the Minister of Transport may (if he thinks fit) direct an inquiry and if the person holding the inquiry reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the Minister may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the said tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Transport made in pursuance of this section.

Removal of obstructions.

**61.** If any obstruction to the traffic on any of the tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Corporation may so remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction.

Supply of electricity.

**62.** The Corporation may supply electricity for any of the purposes of this Part of this Act from any electrical generating station of the Corporation.

Byelaws by local authority.

**63.** The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Ministry of Transport regulations.

Use of tramways for sanitary purposes.

**64.** The Corporation may in such manner as they think fit use the tramways for sanitary purposes and for the conveyance of scavenging stuff nightsoil road



and sewer material coal pipes and any other materials required for or arising at the works of the Corporation. A.D. 1925.

**65.** For the protection of the London Midland and Scottish Railway Company the London and North Eastern Railway Company and the Oldham Ashton-under-Lyne and Guide Bridge Junction Railway Company (each of whom are in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company be observed and have effect (that is to say):—

For protection of railway companies.

- (1) Before commencing any works in connection with the tramways on under or over any bridge or tunnel or the approaches thereto carrying any road over any railway or works belonging to the company or carrying any such railway or works over any road the Corporation shall give twenty-eight days' notice in writing to the company except in case of emergency (when they shall give the longest notice practicable) of their intention to execute the said works and such notice shall be accompanied by plans sections and specifications showing the nature and extent of the said works and the Corporation shall not commence the construction of the said works until such plans sections and specifications have been reasonably approved in writing by the principal engineer of the company. Provided always that if the said principal engineer shall for the period of twenty-eight days fail to disapprove such plans sections or specifications he shall be deemed to have approved the same:
- (2) In this section the word "apparatus" includes the tramways and any posts brackets electric conductors wires apparatus conduits cables tubes and openings and any similar appliances to be used for the purpose of working any tramway by mechanical power or for the purpose of supplying electrical energy:
- (3) Where any apparatus is to be constructed or used on above or below the surface of a road which is carried by means of a bridge over any railway or canal of the company the Corporation shall so construct maintain

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and use the said apparatus as not to alter or interfere with the structure of any such bridge or of the approaches thereto :

- (4) In the event of any injury being caused to any such bridge or the approaches thereto by the construction maintenance repairing user or removal of the apparatus the company may at the expense of the Corporation forthwith in case of emergency and in other cases after giving seven clear days' notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned :
- (5) All works which may be necessary in constructing and maintaining the apparatus over any such bridge and the approaches thereto shall be constructed and maintained at the expense of the Corporation and to the reasonable satisfaction of the engineer of the company :
- (6) In case it shall become necessary in consequence of the existence or user of the apparatus to strengthen the fabric of any such bridge the company may after giving to the Corporation fourteen clear days' notice thereof execute such works as their engineer may deem necessary but at the expense of the Corporation and if it shall become necessary for effecting such strengthening that the working and use of any portion of the tramways shall be wholly or in part stopped or delayed and the company shall (except in cases of emergency when they shall give the longest notice practicable) give the Corporation fourteen clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the company shall not be liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay :

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(7) Whenever and so often as the London Midland and Scottish Railway Company may require to widen lengthen strengthen reconstruct alter or repair the bridge carrying Featherstall Road over their railway or the approaches thereto or to widen or alter their railway thereunder and whenever and so often as the company shall require under their existing powers to lengthen strengthen reconstruct alter or repair any other such bridge or the approaches thereto and it shall be necessary for effecting any of such purposes that the working and user of any of the tramways over any such bridge or approaches shall be wholly or partly stopped or delayed or that the tramways or any of the works connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall except in cases of emergency give to the Corporation fourteen clear days' notice requiring such stoppage delay or diversion taking up or removal the working or user of the tramways shall be stopped or delayed or the tramways shall be diverted or taken up or removed accordingly by and at the expense of the Corporation and under the superintendence of the engineer of the company (if such engineer shall give such superintendence) but only for so long as may be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto In cases of emergency or in other cases if the Corporation after receiving such notice make default in diverting taking up or removing the said tramways the company may effect such diversion taking up or removal at the expense of the Corporation :

(8) In working Tramway No. 6 originally authorised by the Oldham Corporation Act 1899 no tramcar or other vehicle used thereon shall without the consent in writing of the London Midland and Scottish Railway Company under their common seal be stopped or permitted

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to be stopped in front of the entrance to their Glodwick Road Station or within a distance of ten yards therefrom except for and only for so long as may be absolutely necessary for the purpose of setting down and taking up passengers :

- (9) In working the said Tramway No. 6 no tramcar or other vehicle used thereon shall without the consent in writing of the Oldham Ashton-under-Lyne and Guide Bridge Junction Railway Company under their common seal be stopped or permitted to be stopped in front of the entrance to their goods yard and station in Park Road or within a distance of ten yards on either side of each such entrance except for and only for so long as may be absolutely necessary for the purpose of setting down and taking up passengers :
- (10) The Corporation shall indemnify the London Midland and Scottish Railway Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over the bridge carrying Featherstall Road over their railway and the approaches thereto as the Corporation are liable to maintain and repair under section 28 of the Tramways Act 1870 :
- (11) Whenever and so often as the London Midland and Scottish Railway Company may require to widen lengthen strengthen reconstruct alter or repair the bridge carrying Featherstall Road over their railway or the approaches thereto or to widen or alter their railway thereunder all additional expense which the said company may reasonably incur or be put to in effecting any such widening lengthening strengthening reconstruction alteration or repair by reason of the existence of the tramways or any of the works connected therewith shall be repaid to them by the Corporation :
- (12) Any difference which shall arise under this section between the Corporation and the company shall be determined by an engineer to

be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration. A.D. 1925.

**66.** The Crompton Urban District Council Tramways Order 1901 shall be read and have effect as if in section 29 (Passengers' fares) the words "three halfpence" were inserted in lieu of the words "one penny" and the words "but in no case shall the promoters' lessees be bound to charge a less sum than twopence" were omitted therefrom and as if in section 32 (Cheap fares for labouring classes) the words "one penny" were inserted in lieu of the words "one halfpenny." Amendment of Crompton Tramways Order 1901.

**67.** The Royton Urban District Council Tramways Order 1901 shall be read and have effect as if in section 32 (Passengers' fares) the words "three halfpence" were inserted in lieu of the words "one penny" and the proviso to that section were omitted therefrom and as if in section 35 (Cheap fares for labouring classes) the words "one penny" were inserted in lieu of the words "one halfpenny." Amendment of Royton Tramways Order 1901.

**68.** The Lees Urban District Council Tramways Order 1902 shall be read and have effect as if in section 33 (Passengers' fares) the words "three halfpence" were inserted in lieu of the words "one penny" and the words "but in no case shall the promoters or their lessees be bound to charge a less sum than twopence" were omitted therefrom and as if in section 36 (Cheap fares for labouring classes) the words "one penny" were inserted in lieu of the words "one halfpenny." Amendment of Lees Tramways Order 1902.

**69.** The Oldham and Chadderton Tramways Order 1919 shall be read and have effect as if in section 33 (Passengers' fares) the words "three halfpence" were inserted in lieu of the words "one penny" and the words "but in no case shall the promoters or their lessees be bound to charge a less sum than twopence" were omitted therefrom and as if in section 36 (Cheap fares for labouring classes) the words "one penny" were inserted in lieu of the words "one halfpenny." Amendment of Oldham and Chadderton Tramways Order 1919.

**70.—**(1) Subject to the approval of the Minister of Transport the Corporation may by agreement purchase and acquire and the urban district councils of Chadderton Agreements for purchase of certain tramways

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—  
and light  
railways.

Lees Crompton and Royton respectively (each of whom is in this section referred to as "the district council") may sell and transfer to the Corporation all or any of the tramways of the district council upon such terms as may be agreed between the Corporation and the district council.

(2) The Corporation may by agreement purchase and acquire and the Middleton Electric Traction Company Limited or other the owner for the time being of the light railways authorised by the Middleton Light Railways Order 1898 (in this section referred to as "the company") may sell and transfer to the Corporation such portion only of the said light railways as is situate in the urban district of Chadderton upon such terms as may be agreed between the Corporation and the company or such other owner as aforesaid. Provided that no such sale and transfer shall take place without the consent of the urban district council of Chadderton. This subsection shall be deemed to have been in operation as from the first day of July one thousand nine hundred and twenty-five and any such sale and transfer made after the said date shall be deemed to have been made in pursuance of this subsection.

(3) Notwithstanding anything contained in this Act when any such sale and purchase has been made all the rights powers and authorities of the district council or the company as the case may be in respect of any tramway or light railway sold shall be transferred to and vested in and subject to the obligations attaching to the exercise of such rights powers and authorities may be exercised by the Corporation in like manner as if such rights powers and authorities had been originally conferred upon them.

*Trolley Vehicles.*

Power to  
use trolley  
vehicles in  
borough.

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

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

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

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

72.—(1) In this section—

“Local authority” means each of the following councils viz. the urban district councils of Chadderton Lees Crompton and Royton respectively;

“Authorised route” means any route along which at the passing of this Act any local authority is authorised to construct or work tramways.

Power to use trolley vehicles in certain districts.

(2) The Corporation may with the consent of the Minister of Transport and by agreement with any local authority provide and use trolley vehicles along any authorised route in the district of such authority.

(3) If before the Corporation have commenced to provide or adapt the electrical equipment for working trolley vehicles along any authorised route to be used in pursuance of subsection (2) of this section the local authority give notice to the Corporation of their intention to provide or adapt such equipment such local authority may with the consent of the Minister of Transport exercise the powers contained in this Act relative to the provision or adaptation of electrical equipment for working trolley vehicles along such route and upon the completion thereof the local authority shall (unless the Corporation shall previously have purchased the tramway along the authorised route) grant to the Corporation and the Corporation shall accept a lease of such equipment for such period and upon and subject to such terms and conditions as may be agreed between the local authority and the Corporation or as failing agreement may be determined by the Minister of Transport.

Power to use trolley vehicles in certain districts.

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(4) When applying to the Minister of Transport for his consent under this section to use trolley vehicles along any road in respect of which the local authority are not the road authority the Corporation shall give notice of such application to the county council of the administrative county of Lancaster.

Exclusive right of using apparatus for working trolley vehicles.

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

Approval of vehicles by Minister of Transport.

**74.** The trolley vehicles and the electrical equipment thereof used by the Corporation under the authority of this Act shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport. Before applying to the Minister of Transport for his approval of the weight of any trolley vehicle to be used upon any road which crosses a bridge belonging to and repairable by a railway company the Corporation shall give to such railway company notice of the weight of the trolley vehicles proposed to be used by them and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight. Provided that notice of such objections shall be forwarded by such railway company to the Corporation at the same time as the same are submitted to the Minister of Transport.

Application of Tramways Act to trolley vehicles.

**75.—**(1) The following provisions of the Tramways Act 1870 incorporated with this Act shall so far as the same are applicable apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by



electrical power were tramways and as if the said trolley vehicles were carriages used on tramways:— A.D. 1925.

Part II. (Relating to the construction of tramways) except sections 25 28 and 29;

Section 41 (Tramways to be removed in certain cases) ;

Section 46 (Byelaws by local authority Promoters may make certain regulations) ;

Section 47 (Penalties may be imposed in byelaws) ;

Section 48 (Power to local authority to license drivers conductors &c.) ;

Section 49 (Penalty for obstruction of promoters in laying out tramway) ;

Section 51 (Penalty on passengers practising frauds on the promoters) ;

Section 53 (Penalty for bringing dangerous goods on the tramway) ;

Section 55 (Promoters or lessees to be responsible for all damages) ;

Section 56 (Recovery of tolls penalties &c.) ;

Section 57 (Right of user only) ;

Section 60 (Reserving powers of street authorities to widen &c. roads); and

Section 61 (Power for local or police authorities to regulate traffic in roads).

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

76. The sections of this Act the marginal notes of which are in this section set forth shall so far as applicable apply with reference to the trolley vehicles authorised by or in pursuance of this Act and the apparatus and equipment for working the same and for the purpose of such application those sections shall be read and have Application of provisions of this Act to trolley vehicles.

A.D. 1925. effect as if the works constructed or to be constructed in the streets or roads for moving trolley vehicles by electrical power were tramways and as if the trolley vehicles were carriages used on tramways:—

As to electrical works &c. ;  
Inspection by Minister of Transport ;  
Motive power on tramways ;  
Byelaws by Minister of Transport ;  
Apparatus used for mechanical power deemed part of tramways ;  
Attachments of brackets to buildings ;  
Special provisions as to use of electrical power ;  
Alteration of telegraph lines of Postmaster-General ;  
For protection of Post Office telegraph lines ;  
Use of tramway posts by Postmaster-General ;  
Use of tramways ;  
Passengers' fares ;  
Cheap fares for labouring classes ;  
Passengers' luggage ;  
Charges for goods ;  
Periodical revision of fares and charges ;  
Removal of obstructions ;  
Supply of electricity ;  
Use of tramways for sanitary purposes ;  
For protection of railway companies :

Provided that the said trolley vehicles shall not be used otherwise than for the purpose of conveying passengers and their luggage and small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger and the said trolley vehicles shall not be used for the carriage of any minerals or any other animals or goods.

Duties on licences for trolley vehicles.

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

Vehicles not to be deemed light locomotives or motor cars.

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

subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licensing and licences of drivers) and subject to that exception neither that Act nor the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

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(2) The trolley vehicles authorised by this Act shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

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

Minister of Transport may authorise new routes.

(b) The Minister of Transport shall not make any Provisional Order under this section relating to any road outside the borough except with the consent of the local authority and (where the local authority is not the road authority) of the road authority of the district in which such road is situate which consents the said local authority and road authority shall be at liberty to give or withhold at their absolute discretion.

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

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

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

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(c) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Minister of Transport any objections to the grant of such application.

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

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

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

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

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

(8) The making of a Provisional Order under this section shall be *primâ facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

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

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**80.** All subsisting regulations and byelaws relating to the tramways made in pursuance of the Tramways Act 1870 or of any other statutory enactment so far as the same are applicable shall with the necessary modifications apply to the trolley vehicles provided by the Corporation in pursuance of this Act.

Tramway regulations to apply to trolley vehicles.

#### *Omnibuses.*

**81.**—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the borough and with the consent of the Minister of Transport and the local authority of the district along any route outside the borough upon which the Corporation are from time to time empowered to work or run over tramways tramroads or light railways and along any other route within a radius of five miles from the boundary of the borough:

Power to run omnibuses.

Provided that the Corporation shall not run a service of omnibuses along the route of any tramway now belonging to the urban district council of Failsworth without their consent which consent that council shall be at liberty to give or withhold at their absolute discretion.

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

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

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(4) The provisions of sections 51 and 56 of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Corporation as if they were carriages used on tramways.

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

(6) For the purposes of this section and the section of this Act of which the marginal note is "Adaptation of roads" the expression "road authority" means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with the maintenance of such road or part of a road.

Adaptation  
of roads.

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

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

(c) If the Corporation give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (a) of this subsection

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the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

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

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

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

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

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

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

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

As to bridges and roads of railway and canal companies.

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

As to cesser of powers.

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

(2) Before issuing an order to determine the said powers the Minister of Transport shall hold a local inquiry at which opportunity shall be afforded to any person interested to object to the continuance or cesser of such powers.

Determination of powers in certain events.

**85.** If the Corporation do not within three years from the giving of the consent of the Minister of Transport to the running by the Corporation of omnibuses on any route outside the borough provide a service of omnibuses on such route or having provided shall discontinue any such service the Minister of Transport may on the application of any local authority within whose district the route



or any part of the route is situate and after considering any representation which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the Minister of Transport may by such order prescribe the powers of the Corporation under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Corporation under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease :

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

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

Fares and charges.

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

(3) Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held and where the said Minister causes any such inquiry to be held all expenses incurred by the said Minister in relation to that inquiry shall be paid as the said Minister may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties and the said Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the said Minister to be paid shall be a debt due to the Crown.

(4) Every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried

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— for a passenger nor be of a form or description to annoy  
or inconvenience other passengers.

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

*General.*

Working  
agreements.

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

- (a) The formation of junctions between the tramways and trolley vehicle systems of the contracting parties ;
- (b) The leasing working running over using maintaining and managing by any or all of the contracting parties or by a joint committee of the contracting parties of the tramways trolley vehicles or omnibuses of any or all of the contracting parties and the fixing collecting apportionment and distribution of the rates and profits arising therefrom ;
- (c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways trolley vehicles or omnibuses of the contracting parties of rolling stock and vehicles necessary for the purposes of such agreement and the employment of officers and servants ;
- (d) The supply by the working party under any agreement of motive power for the working of any tramway or trolley vehicle service which is

leased to or substantially worked by the Corporation and with which a tramway or trolley vehicle service of or leased to or worked by the Corporation for the time being connects ;

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

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

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

**88.** For the protection of the mayor aldermen and burgesses of the borough of Middleton (in this section referred to as " the Middleton Corporation ") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the Corporation and the Middleton Corporation apply and have effect (that is to say) :—

For protection of Middleton Corporation.

- (1) So long as an efficient service of tramcars is provided along the existing tramway and light railway routes in the borough of Middleton the Corporation shall not under the provisions of this Part of this Act run a service of trolley vehicles or omnibuses along such routes :

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(2) Failure to provide an efficient service which is due to strikes or unforeseen accidents or circumstances beyond the control of the bodies or persons providing the service of tramcars shall not entitle the Corporation to run a service of trolley vehicles or omnibuses :

(3) Any question at any time arising between the Corporation and the Middleton Corporation as to whether or not an efficient service of tramcars within the meaning of this section is being provided shall be determined by the Minister of Transport on the application of either party after notice in writing to the other and the provisions of the Arbitration Act 1889 shall subject as aforesaid apply to the determination of any such question.

Power to purchase lands by agreement.

**89.** The Corporation may for the purposes of the tramways undertaking purchase take on lease and hold (by agreement but not otherwise) in addition to the lands already forming part of that undertaking any lands and hereditaments not exceeding in the whole fifty acres which the Corporation may require for the purposes of the tramways undertaking :

Provided that nothing in this Act shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or held under the provisions of this section.

Provision of depôts &c.

**90.**—(1) The Corporation may erect or construct and hold depôts yards offices motor-houses buildings sheds works and other conveniences in connection with the tramways undertaking.

(2) Nothing in this section shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them thereunder.

Conveyance of mails.

**91.**—(1) The Conveyance of Mails Act 1893 shall extend and apply to all the tramways as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working such tramways.

(2) The Corporation shall perform in respect of their trolley vehicles and omnibuses all such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

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**92.** In the provisions of this Part of this Act hereinafter contained the expressions "the cars" and "cars" mean the carriages used on the tramways and on any tramways tramroads or light railways from time to time demised to or run over by the Corporation and the trolley vehicles and the omnibuses of the Corporation.

Definition of "cars."

**93.** The Corporation may appoint stages upon the tramways and the trolley vehicle routes each of not less than half a mile in length and may demand and take for every passenger travelling upon the tramways and the trolley vehicles including every expense incidental to the conveyance of such passenger any rates or charges not exceeding three half-pence for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed to be a stage.

Power to appoint stages.

**94.** The fares rates and charges authorised by this Part of this Act shall be paid to such persons and at such places and in such manner and under such regulations as the Corporation or the persons entitled to demand and take such fares rates and charges may appoint.

Payment of fares rates and charges.

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

Through cars.

**96.—(1)** Notwithstanding anything contained in this or any other Act to the contrary the Corporation may on any occasion run and reserve cars for any special purpose

Power to reserve cars for special purposes.

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— desirable :

Provided that—

- (a) such cars shall be distinguished from other cars in such manner as may be directed by the Corporation ;
- (b) during the running of special cars the Corporation shall maintain a reasonably sufficient ordinary service ;
- (c) the Corporation shall not run special omnibuses except on routes on which they have for the time being power to run omnibuses.

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

(3) The restrictions contained in this or any other Act of the Corporation as to fares rates or charges for passengers shall not extend to any cars run under the powers of this section and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

Power to Corporation to suspend running of cars.

**97.** The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Corporation or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the working of any cars shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damage in respect thereof.

Stopping and starting places.

**98.** The Corporation may appoint the stations and places from which the cars shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time during which the cars shall be allowed to remain at any such place but any such appointment and fixing of time shall (as respects any

station or place outside the borough) be subject to the consent of the local authority of the district within which that station or place is appointed.

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

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

**100.**—(1) The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles and other vehicles at any depôt or building used by them in connection with the tramways undertaking and at any places on the routes of the cars and may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles and other vehicles.

Cloakrooms &c.

(2) The Corporation may use for the purpose of this section portions of the public streets or roads but only with the consent of the road authority and of the local authority of the district.

**101.** The Corporation may erect and maintain sheds shelters or waiting-rooms and gangways for the accommodation of passengers on any route of the cars and may use for that purpose portions of the public streets or roads Provided that the powers of this section shall not (in the case of any street or road outside the borough) be exercised without the consent of the road authority and of the local authority of the district.

Shelters or waiting-rooms.

**102.** The following provisions for the further protection and benefit of railway companies shall apply and have effect except in so far as may be otherwise agreed in writing between the Corporation and the company :—

For further protection of railway companies.

Notwithstanding anything contained in this Act no shed shelter waiting-room gangway cloakroom or room barrier or post shall be erected maintained or provided or starting or stopping place appointed nor shall the Corporation require persons waiting at any stopping place or any terminus to wait in any line or queue so as to cause interference with or

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to render less convenient the access to or exit from any station depôt or property belonging to any railway company nor shall any such shed shelter waiting-room gangway cloakroom barrier or post be erected maintained or provided on any bridge carrying any street or road over the railways or canal of any railway company.

Property found in cars.

**103.** Any property found in any car shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof shall be treated as part of the revenue of the tramways undertaking.

Attachment of signs indicating stopping places to lamp-posts &c.

**104.—(1)** The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the cars signs or directions indicating the position of stopping places :

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

(2) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

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

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to a railway company without their consent in writing which consent shall not be unreasonably



withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined in accordance with the provisions of the Arbitration Act 1889. A.D. 1925.  
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**105.** If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of the tramways the trolley vehicles or the omnibuses of the Corporation anything which is calculated to obstruct or interfere with the working of such tramways trolley vehicles or omnibuses or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any of the tramways or the trolley vehicles of the Corporation shall be liable to a penalty not exceeding twenty pounds. Penalty for malicious damage.

**106.** Any byelaws made under this Part of this Act shall be made subject and according to the provisions of sections 46 and 47 of the Tramways Act 1870 and those provisions shall apply accordingly. Application of Tramways Act to byelaws.

**107.** Subject to the provisions of this Act where the consent or approval of any local or road authority is by this Part of this Act required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be determined by the Minister of Transport. Consents of local or road authorities.

**108.** The Corporation shall keep the accounts in respect of the tramways undertaking so as to show separately (so far as may be reasonably practicable) the receipts and expenditure in regard to their tramways trolley vehicles and omnibuses and in such accounts capital shall be distinguished from revenue. Accounts of tramways undertaking.

**109.** The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of the tramways undertaking. Accounts to be furnished to Minister of Transport.

[Ch. xcvi.] *Oldham Corporation* [15 & 16 GEO. 5.]  
Act, 1925.

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Repeal of  
tramway  
enactments.

110.—(1) The following enactments relating to the tramways undertaking (in this section referred to as “the repealed enactments”) are hereby repealed:—

The Oldham Borough Tramways Order 1878;

Part XIV. (Tramways) of the Act of 1880;

The Oldham Borough Tramways (Extensions) Order 1882;

Part III. (Tramways) of the Oldham Corporation Act 1899;

The following sections of the Oldham Corporation Act 1900 (namely):—

Section 40 (Corporation may reduce width of footway for constructing tramways);

Section 41 (Power to make openings &c. in streets);

Section 42 (Power to attach brackets &c. to buildings);

Section 43 (For the protection of the London and North Western and Oldham Ashton-under-Lyne and Guide Bridge Junction Railway Companies); and

Section 44 (For the protection of the Lancashire and Yorkshire Railway Company);

Part III. (Tramways) and Section 103 (Separate accounts of omnibus undertaking to be kept) of the Act of 1909;

So much of the Oldham and Chadderton Tramways Order 1919 as relates to Tramway No. 2 by that Order authorised or to the Corporation or the borough;

Sections 22 (Power to Oldham Corporation to use trolley vehicles on Ashton route) and 91 (Power to Oldham Corporation to borrow and repayment of borrowed moneys) of the Ashton-under-Lyne Corporation Act 1924.

(2) Notwithstanding the repeal of the repealed enactments— A.D. 1925.

- (a) All property vested in the Corporation at the passing of this Act as part of or in connection with the tramways undertaking shall continue vested in the Corporation and all acts works matters and things before the passing of this Act done or commenced under the powers of the repealed enactments or any of them and which were at the passing of this Act valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts deeds instruments leases obligations restrictions conditions rights and remedies relating to the tramways undertaking shall be and continue valid and available for and against all parties and may be continued enforced and completed as if this Act had not been passed;
- (b) All actions arbitrations prosecutions and proceedings by with or against the Corporation by reason of any matter or thing accruing or done before the passing of this Act under or in execution of or in relation to the provisions of the repealed enactments or any of them may be continued commenced taken made or prosecuted by or against the Corporation as if this Act had not been passed;
- (c) All existing byelaws rules regulations orders and licences relating to the tramways undertaking shall continue in force until repealed altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act;
- (d) All rates rents tolls charges and other sums at the passing of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed;
- (e) All books and documents which under any of the repealed enactments or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed;

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(f) Any agreement or document relating to the provisions of any of the repealed enactments which are re-enacted in this Act shall be of full force and effect and shall be deemed to refer to the provisions in that behalf contained in this Act.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889.

PART V.

WATER.

As to powers under section 12 of Waterworks Clauses Act 1847.

**111.** The Corporation may on all or any of the lands from time to time held by them in connection with the water undertaking execute for the purposes of or in connection with the said undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847. 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 purchased or taken on lease nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or in connection with the water undertaking.

Powers in relation to water mains.

**112.**—(1) The Corporation shall have the same powers and be subject to the same restrictions for carrying water mains within or without the water limits as they have or are subject to for carrying sewers within or without their district respectively by the law for the time being in force.

(2) Section 16 (Application of provisions of Public Health Act as to waterworks) of the Act of 1909 is hereby repealed.

Power to provide water tanks under streets.

**113.**—(1) The Corporation may subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes construct place fix and maintain in or under any street within the borough and with the consent of the road authority any street outside the borough which

is within the water limits tanks or other receptacles for use by the users of road locomotives or motor cars with all necessary or convenient apparatus and appliances (including covers or boxes and pillars or standpipes projecting above the level of the surface of the street) for taking or using water from such tanks or receptacles.

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

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

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

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

(5) The Corporation may in any such street as aforesaid erect place fix and maintain posts or poles for carrying such signs or directions as aforesaid but shall not use for the purpose any part of the highway without the consent of the road authority.

(6) The Corporation shall not under the powers of this section construct or place any such tank or receptacle as aforesaid on any county bridge or the approaches thereto or on any bridge carrying any street or road over

A.D. 1925. — the railways of any railway company or under any bridge carrying any such railway over any street or road or within ten feet of any abutment of any such bridge or so as to interfere with or render less convenient the access to or exit from any station or depôt of such company.

(7) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(8) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing or to any pole post standard or similar erection belonging to a local authority except with their consent in writing.

Detection  
of waste.

114. Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus and stopcocks on or in any mains or pipes supplying houses with water within the water limits (without thereby in any way affecting the ownership of any such mains or pipes) and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and for that purpose stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Corporation shall not interfere (a) 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 or (b) with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the said Act of 1882 apply except in accordance with and subject to the provisions of that section :

Provided also that the Corporation shall not enter upon break up or interfere with the railway canal or works or any electric wires or apparatus belonging to any railway company or any street belonging to and forming the approach to any station or depôt of any railway company without their consent or unreasonably interfere with or render less convenient the access to or exit from any station or depôt or any canal wharf of such company.

**115.** If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which they are not under an obligation to maintain it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Corporation for the purpose of ascertaining the injury or defect and executing the repairs (including the expenses 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 in like manner as the water rates in respect of the premises are recoverable. 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 notice to the occupier of such house or premises and in any case where the communication pipe is repairable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter.

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Power to Corporation to repair communication pipes.

**116.** The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street within the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Agreements as to repair of communication pipes.

**117.** When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer or other officer duly authorised in that behalf by the Corporation.

Maintenance of common pipe.

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Power to  
remove  
meters and  
fittings.

**118.** The Corporation by their agents or workmen after forty-eight hours' notice in writing under the hand of the waterworks engineer or some other officer of the Corporation to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Penalty for  
closing  
valves and  
apparatus.

**119.** Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on summary 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.

Amendment  
of section  
104 of Act  
of 1865.

**120.** Section 104 of the Act of 1865 shall be read and have effect as if the words "one-eighth part" and "five successive years" were substituted therein for the words "one-tenth part" and "three successive years" respectively and as if the words "from time to time authorised" were substituted therein for the words "specified in this Act."

Limitation  
of water  
rent for non-  
domestic  
purposes  
beyond  
borough.

**121.** From and after the twenty-fifth day of September one thousand nine hundred and twenty-five the water rent payable to the Corporation for a supply of water for other than domestic purposes outside the borough shall not exceed by more than eight and one-third per centum the water rent payable to the Corporation for a corresponding supply under similar circumstances within the borough and as from the said date section 26 (Limitation of water rent for other than domestic purposes beyond the borough) of the Act of 1909 is hereby repealed.



**122.** The Corporation shall not be bound to supply with water otherwise than by measure any workhouse hospital (whether public or private) school club hotel restaurant public-house inn or common lodging-house or any public institution which is habitually occupied by at least twelve persons.

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Supply to institutions &c.

**123.** The minimum quarterly charge (exclusive of meter rent) for a supply of water to any premises by measure for domestic purposes or to any of the premises referred to in the section of this Act of which the marginal note is "Supply to institutions &c." shall be one-fourth of the annual amount which would be payable according to the rate for the time being in force for a domestic supply to a dwelling-house of the same annual value.

Minimum charge for certain supplies by measure.

**124.** The Corporation may enter into and carry into effect agreements made with any water authority company body or person supplying water under parliamentary authority for the purchase of water in bulk by the Corporation for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Corporation for the purposes of their undertaking.

Purchase of water in bulk.

**125.** Every person who shall refuse to supply to the Corporation the name and address of any person in his employment against whom the Corporation shall desire to take proceedings under section 59 of the Waterworks Clauses Act 1847 shall on summary conviction be liable to a penalty not exceeding five pounds.

Penalty on employers refusing to give information.

**126.** The provisions of section 47 (As to works affecting railways or canals) of the Act of 1880 shall so far as applicable extend and apply to the exercise by the Corporation of the powers contained in this Part of this Act.

Works under Part V. of Act affecting railways or canals.

## PART VI.

### GAS.

**127.**—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to

Period of error in defective meter.

A.D. 1925. have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

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

Expense of re-connecting supply of gas.

**128.** In any case in which in consequence of any default on the part of the occupier of any premises the Corporation have under any powers of the Corporation in that behalf cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Corporation the expenses of re-connecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

Notice to discontinue supply of gas.

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

Supply of gas where consumer has separate supply.

**130.** Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Corporation for the purposes of a stand-by only a supply of gas for any premises for which he has at the same time a supply of gas from an installation other than that of the Corporation or a supply of electricity except from the Corporation unless he shall have agreed to pay to the Corporation such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover charges incurred by them in order to meet the possible maximum demand for the premises for which the stand-by supply is demanded or received and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Provision of valve where high-

**131.**—(1) Every consumer of gas supplied by the Corporation who uses air at high pressure for or in

connection with the consumption of such gas (in this section referred to as "high-pressure air") shall if required to do so by the Corporation provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such air into the service pipe or any main through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

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pressure air  
is used.

(2) It shall not be lawful for any person to commence to use high-pressure air unless and until he shall have given to the Corporation not less than fourteen days' previous notice in writing of his intention to do so.

(3) Every person who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (5) of this section is using high-pressure air shall within one month after that date give to the Corporation notice in writing of such use and if within one month after the giving of such notice the Corporation require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Corporation or any obligation under this section the Corporation may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Corporation shall give notice of the effect of the foregoing provisions of this section :—

(a) (in the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Corporation) on the demand notes for gas charges payable to the Corporation issued next after that date; and

(b) (in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Corporation) on the first of such demand notes delivered to such person after he shall have become a consumer.

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(6) The Corporation shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air is used or the Corporation have reason to believe that high-pressure air is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(7) The Corporation shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

Supply of  
power gas.

**132.**—(1) The Corporation may make produce or purchase and may by agreement supply to any company local authority body or person within the limits within which the Corporation are from time to time authorised to supply gas at such a price as may be agreed between the Corporation and such company local authority body or person gas (in this Part of this Act referred to as “power gas”) which shall not be required to comply with the provisions of the Acts relating to the gas undertaking as to the illuminating power calorific value purity or pressure of the gas supplied by them and notwithstanding anything contained in any such Act the provisions of sections 11 12 24 to 34 36 and 37 of the Gasworks Clauses Act 1871 shall not apply to the Corporation in respect of power gas nor shall the provisions of the said Acts with respect to such illuminating power calorific value purity or pressure as aforesaid and the testing thereof or with respect to the price of gas be applicable (a) in respect of power gas supplied by the Corporation or (b) to the Corporation in respect of power gas.

(2) Power gas may subject to the provisions of the sections of this Act of which the marginal notes are respectively “Quality of power gas” “Home Secretary may make regulations as to supply of power gas” and “Provisions as to general Acts relating to power gas” be supplied for utilisation for any purpose other than lighting or domestic use.

(3) Nothing in this section shall deprive any person within the said limits of any right which he may possess.

under the Acts relating to the gas undertaking of requiring a supply of gas of the illuminating power purity and pressure prescribed by those Acts or any enactment incorporated therewith. A.D. 1925.

**133.**—(1) It shall not be lawful for the Corporation at any time to supply power gas which does not possess a distinctive and readily perceptible smell. Quality of power gas.

(2) For every contravention of this section the Corporation shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their district so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 and by section 98 of the Coal Mines Act 1911 and by section 17 of the Metalliferous Mines Regulation Act 1872 respectively. Provided that no proceedings shall be taken against the Corporation by any such inspector in respect to any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Corporation of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

**134.**—(1) The Secretary of State for the Home Department may from time to time either before or after the Corporation shall have commenced to give a supply of power gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Corporation) make or impose in the interests of the safety or health of persons regulations terms and conditions with respect to such supply. Home Secretary may make regulations as to supply of power gas.

(2) The Corporation shall not under the powers of this Act supply or continue to supply power gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force. Provided that if in the opinion of the Corporation compliance with any such regulations

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A.D. 1925. — terms and conditions would render the supply or continued supply of power gas by them unremunerative or impracticable it shall be lawful for the Corporation upon giving to all consumers of power gas supplied by them not less than three months' notice of their intention so to do to discontinue such supply and in that event the Corporation shall not be under any obligation to supply or to continue to supply power gas to any person.

(3) For every contravention of this section the Corporation shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the section of this Act the marginal note whereof is "Quality of power gas."

Provisions  
as to  
general Acts  
relating to  
power gas.

**135.** Nothing in this Act contained shall exempt the Corporation from the provisions of any general Act relating to the manufacture or supply of power gas passed before or after the passing of this Act or from any regulations which may be made under any such general Act.

Variation  
of price  
according to  
purpose for  
which gas  
supplied.

**136.** Notwithstanding anything contained in the Acts relating to the gas undertaking the price to be charged by the Corporation for a supply of gas may vary according to the purposes for which the gas is supplied as may be agreed upon between the Corporation and the person taking such supply. Provided that the Corporation shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for the same purpose under like circumstances.

Dwelling-  
houses for  
employees  
and other  
buildings.

**137.** The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with the gas undertaking and offices showrooms and other buildings for the purposes of that undertaking and they may also erect maintain and let any such building upon any land for the time being belonging or leased to the Corporation for those purposes.

**138.** The provisions of section 47 (As to works affecting railways or canals) of the Act of 1880 shall so far as applicable extend and apply to the exercise by the Corporation of the powers contained in this Part of this Act.

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Works under Part VI. of Act affecting railways or canals.

PART VII.

ELECTRICITY.

**139.**—(1) The Corporation may by agreement (but not otherwise) acquire from any local authority company or person who is or shall be authorised by Act of Parliament or by Provisional Order confirmed by Parliament or by special order to supply electrical energy in an area adjoining the limits within which the Corporation are at the date of the passing of this Act authorised to supply electrical energy (in this section referred to as "authorised undertakers") the undertaking authorised by such Act or Order and the powers rights authorities and privileges of the authorised undertakers thereunder and the authorised undertakers may with the approval of the Electricity Commissioners by deed to be approved by the Commissioners transfer their undertaking powers rights authorities and privileges to the Corporation subject to such exceptions and modifications (if any) and upon such terms as may be specified in the deed.

Transfer of undertakings to Corporation.

(2) In the event of the Corporation acquiring the undertaking of any authorised undertakers under this section the Corporation shall subject to such exceptions or modifications (if any) as aforesaid be deemed to be the undertakers for all the purposes of such Act or Order.

(3) Any capital moneys received by any such local authority in respect of any transfer under this section shall be applied by such authority in manner provided by subsection (2) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

(4) In the case of any such transfer being made to the Corporation the consent of the Corporation shall not be necessary in the event of the Lancashire Electric Power Company desiring to supply electrical energy within any such area as aforesaid.

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(5) The Corporation shall not under the provisions of any Act of Parliament or Provisional Order under which an undertaking transferred to them under the provisions of this section may have been authorised created and maintained supply electrical energy outside the borough at a less price than that charged under similar conditions of supply to consumers within the borough.

(6) Section 56 (Power to accept transfer of electric lighting undertakings) of the Act of 1909 is hereby repealed.

Supply of  
electrical  
energy to  
contiguous  
areas.

**140.**—(1) If the local authority or any authorised undertaker for any district adjacent to the limits within which the Corporation are from time to time authorised to supply electrical energy are or shall be authorised by Act of Parliament or by Provisional Order confirmed by Parliament or by special order to supply electrical energy the Corporation and such local authority or authorised undertaker may with the approval of the Electricity Commissioners enter into and carry into effect agreements for the supply of electrical energy in bulk by the Corporation to such authority or authorised undertaker.

(2) The Corporation may enter into and carry into effect agreements with any local authority company or person owning or working tramways or trolley vehicles in any district adjacent to the said limits for the supply by the Corporation to such authority company or person of electrical energy for the working of such tramways or trolley vehicles.

(3) Section 57 (Supply of electrical energy outside borough) of the Act of 1909 is hereby repealed.

For pro-  
tection of  
Lancashire  
Electric  
Power  
Company.

**141.** The powers conferred by the sections of this Act the marginal notes whereof respectively are "Transfer of undertakings to Corporation" and "Supply of electrical energy to contiguous areas" shall not be exercised so far as regards any portion of the limits for the supply of electricity by the Lancashire Electric Power Company except with the consent of that company Provided that such consent shall not be unreasonably withheld and if in any case in the opinion of the Electricity Commissioners having regard to all the circumstances of the case such consent is unreasonably withheld the said Commissioners may make an order dispensing with such consent.



**142.** The powers conferred by the sections of this Act the marginal notes whereof respectively are "Transfer of undertakings to Corporation" and "Supply of electrical energy to contiguous areas" shall not be exercised so far as regards any portion of the limits for the supply of electricity by the Yorkshire Electric Power Company except with the consent of that company. Provided that such consent shall not be unreasonably withheld and if in any case in the opinion of the Electricity Commissioners having regard to all the circumstances of the case such consent is unreasonably withheld the said Commissioners may make an order dispensing with such consent.

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For protection of Yorkshire Electric Power Company.

**143.** The Corporation may by agreement supply electrical energy to any house or building which or the curtilage of which is partly within and partly outside the limits within which the Corporation are from time to time authorised to supply electrical energy in the same manner as if such premises were wholly within such limits.

Supply to premises partly without electricity limits.

**144.** The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the purposes of the electricity undertaking :

Attachment of brackets &c. to buildings.

Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent

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owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same power as under proviso (1):

(3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building:

(4) No brackets wires and attachments shall be attached to any bridge or other work of any railway company without the previous consent in writing of that company.

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.

Power to  
construct  
electrical  
substations  
in or under  
streets.

**145.**—(1) The Corporation may subject to the provisions of the Oldham Electric Lighting Order 1890 and this Act and of the Electricity (Supply) Acts 1882 to 1922 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the limits within which the Corporation are from time to time authorised to supply electricity sub-stations transforming stations transformer-kiosks 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 transformer-kiosks and other works as may be necessary or convenient.

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

(3) Section 64 (Power to construct electrical substations under streets) of the Act of 1909 is hereby repealed.

**146.** Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electrical energy to any consumer the Corporation may use such transformer for the purpose of affording a supply of electrical energy to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

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As to use of  
trans-  
formers.

**147.** 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.

Power to  
recover  
charge for  
re-con-  
necting.

**148.—(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.

Provisions  
as to supply  
of elec-  
tricity by  
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

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A.D. 1925. not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Method of charging for electricity.

**149.** Notwithstanding anything contained in the Electricity (Supply) Acts 1882 to 1922 or in any other Act or any Order relating to the Corporation or the electricity undertaking the Corporation may in all or any cases where they supply electricity charge for and in respect of such supply by any method from time to time selected by the Corporation and approved by the Minister of Transport Any such method may be other than by the actual amount of electricity supplied or the electrical quantity contained in such supply and may authorise a periodical charge in respect of the maximum power required by the consumer in addition to a charge for the electricity supplied to him.

Period of error in defective meters.

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

(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.

Entry upon premises and penalty for obstruction.

**151.**—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 of the Electric Lighting Act 1882 or of that section as extended by section 16 of the Electric Lighting Act 1909 or from exercising the powers contained in those sections shall be liable to a penalty not exceeding five pounds.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said sections or either of them are unoccupied the Corporation may after giving not less than three days' notice to the owner thereof or if he is unknown to the Corporation and if he

cannot be ascertained by them after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

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**152.** The Corporation may in connection with and for the purposes of the electricity undertaking provide and fit up showrooms 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  
showrooms  
&c.

**153.** Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses and any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

Receipts  
and  
expenses  
under  
Part VII.  
of Act.

## PART VIII.

### MARKETS.

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

Use of  
market  
place for  
public  
meetings.

## PART IX.

### BATHS.

**155.** The Corporation may from the first day of October to the first day of May in any year close and cover any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes free from any restriction contained in the Baths and Washhouses Acts 1846 to 1899 or any Act amending the same.

Use of  
baths in  
winter.

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Use of  
baths for  
exhibitions  
and enter-  
tainments.

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

(2) Section 116 (Use of swimming baths for exhibitions and entertainments) of the Act of 1909 is hereby repealed.

Use of  
baths for  
music and  
dancing.

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

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

Byelaws  
as to family  
and mixed  
bathing.

**158.** Notwithstanding anything to the contrary contained in the Baths and Washhouses Acts 1846 to 1899 or in section 190 (Power to make byelaws for regulation of baths &c.) of the Act of 1865 the following provisions shall have effect :—

(1) The power of the Corporation to make byelaws for the management use and regulation of the public baths shall extend to enable them to permit any swimming bath to be used for the purpose of family bathing (that is to say by any males and females members of families bathing together at the same time) or of mixed bathing (that is to say by males and females bathing together at the same time) during such hours and subject to such regulations as shall be prescribed in such byelaws provided that by such byelaws provision shall be made for ensuring that separate dressing accommodation shall be provided and used by males who have attained the age of eight years and females respectively and proper costumes worn

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

A.D. 1925.  
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**159.**—(1) Whenever in any year it shall appear from the accounts relating to the baths undertaking of the Corporation that the receipts in respect of that undertaking exceed the amount of expenses in respect thereof the Corporation may if they think fit set aside in respect of that undertaking such an amount of money as they consider reasonable not exceeding the amount of the difference between the said receipts and expenditure for the purpose of providing a reserve or renewals fund.

Reserve  
fund for  
baths under-  
taking.

(2) Such reserve or renewals fund shall be applicable to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the said undertaking or any extraordinary expenditure.

## PART X.

### PARKS.

**160.** The Corporation may purchase take on lease or acquire land for the purposes of athletic meetings cricket football and other games and for those purposes or any of them may lay out the whole or any portion of any land so purchased taken on lease or acquired or 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 and may from time to time let to any club company body or persons the whole or any portion of such land or any portion of any park or place of public resort or recreation so set apart by the Corporation 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 nothing in this section shall empower the Corporation to let at one and the same time more than one-half of the

Power to let  
recreation  
grounds to  
cricket  
clubs &c.

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Act, 1925.

A.D. 1925. — total area of the parks and places of public resort and recreation for the time being belonging to them and under their control.

Charge for use of recreation grounds.

**161.** When any portion of a park or place of public resort or recreation is set apart by the Corporation for any purpose under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and specially laid out and maintained for any such purpose the Corporation may charge reasonable sums for the use thereof for that purpose.

Power to charge for admission.

**162.** The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any halls pavilions bandstands assembly rooms and other buildings belonging to them or for the use of any buildings or enclosures in any park or place of public resort or recreation or land used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and conveniences as they may deem fit.

Provision of entertainments.

**163.** Subject to the provisions of this Act—

(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments athletic meetings exhibitions and amusements and for the sale of 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 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 athletic meetings exhibitions or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit :

Provided that nothing contained in this subsection shall enable the Corporation themselves to use any buildings for the



purpose of the performance of stage plays by professional companies of performers or to carry on therein the business of a cinema theatre : A.D. 1925.

Provided also that any letting under this section of any building for the purpose of an entertainment other than for a period of less than one month shall be by tender and the Corporation shall secure the best rent reasonably obtainable :

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

**164.** 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.

**165.** The Corporation may pay or contribute towards the cost of providing and maintaining at public places in the borough and on public conveyances plying between the borough and other places and in newspapers published or circulating in the borough advertisements of the performances and entertainments provided at their halls pavilions bandstands assembly rooms and other buildings. Power to advertise entertainments and attractions.

**166.** Notwithstanding anything contained in section 44 of the Public Health Acts Amendment Act 1890 the Corporation may close to the public any park or pleasure ground from time to time belonging to them for any purpose referred to in that section for more than four consecutive days on any one occasion Provided that no such park or pleasure ground shall be closed to the public for more than twelve days in any one year. As to period for which parks may be closed.

**167.** 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 officers.

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Act, 1925.

A.D. 1925. — 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 his warrant.

Contingency  
fund for  
recreation  
grounds &c.

**168.**—(1) The Corporation may in any year if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any one time (inclusive of accumulations of income) one-tenth of the aggregate capital sums for the time being expended by the Corporation on the recreation grounds houses pavilions dressing-rooms and other buildings which they may provide under the powers of the section of this Act the marginal note of which is "Power to let recreation grounds to cricket clubs &c." to meet any extraordinary claim or demand unforeseen accident or extraordinary damage which may happen or be caused to the said buildings pay out of the borough fund such a sum as they may think fit but not exceeding in any one year two per centum of the aggregate amount for the time being expended by them as aforesaid.

(2) Every sum set apart under this section shall be invested in statutory securities and the interest thereon shall be accumulated until the fund reaches one-fifth of the aggregate capital sums for the time being expended by the Corporation on the said recreation grounds and buildings or is required for any of the purposes mentioned in this section.

PART XI.

STREETS AND BUILDINGS.

Byelaws as  
to inter-  
secting  
streets.

**169.**—(1) 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.

(2) Section 76 (Intersecting streets) of the Act of 1909 is hereby repealed.

170.—(1) Where any street or road repairable by the inhabitants at large or any part of such street or road is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where at the corner of any street or road 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 road 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 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 or road than such line except with the consent in writing of the Corporation which may be given for such period and upon and subject to such terms and conditions as they may deem expedient.

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Power to  
define future  
line of  
existing  
public  
streets.

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

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make compensation to the owner and other persons interested in any such land for any loss or damage

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which he or they may sustain in consequence of the line of frontage being set back 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 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 or road 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.

(6) Section 80 (Corporation may define future line of streets) of the Act of 1880 and section 59 (Amendment of section 80 of Act of 1880) of the Oldham Corporation Act 1886 are hereby repealed.

Setting back  
of buildings  
after future  
line of  
street is  
defined.

**171.**—(1) The Corporation may at any time after prescribing and defining the line of frontage of any street or road in pursuance of the power conferred upon them by the section of this Act whereof the marginal note is “Power to define future line of existing public streets” on giving six months’ previous notice in writing to the owner require that any building erection excavation or obstruction 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 filled in or altered so that the same shall not project beyond or in front of such line of frontage.

(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 any land building erection excavation or obstruction affected by any requirement of the Corporation under this section and carry out such requirement.

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(3) In the event of any building erection excavation or obstruction being pulled down set back filled in 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 erection excavation or obstruction and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building erection excavation or obstruction being pulled down set back filled in 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 benefits arising from the widening or improvement of the street or road 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 twenty pounds and to a daily penalty not exceeding forty shillings.

**172.**—(1) Every person who intends to lay out 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 distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall within six weeks after the date of submission thereof signify to the person submitting the same their approval or disapproval thereof.

Frontage line in new streets.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street already laid out upon which buildings have not already been erected.

Frontage line in new streets.

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(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed 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.

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

(5) In the event of the Corporation requiring as a condition for their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or of their prescribing a building line at a greater distance from the centre of a street already laid out than the line provided under the Public Health (Buildings in Streets) Act 1888 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.

(6) 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.

(7) 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.

Develop-  
ment  
scheme may  
be required  
in connec-  
tion with  
new streets.

**173.** 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

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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 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.

**174.**—(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 fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

Appeal to  
court of  
summary  
jurisdiction.

(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.

**175.** Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw from time to time in force within the borough be deemed to be a new street.

Continuation  
of existing  
street to be  
deemed new  
street.

**176.**—(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.

No building  
allowed  
until street  
defined.

(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.

**177.** The Corporation may subject to such conditions as they may prescribe permit the use of any part of a new street as a garden or forecourt but such use shall be discontinued and the wall or fence of such garden or forecourt removed and the site thereof paved and completed as a street whenever the Corporation shall so require.

Temporary  
use of  
portions of  
new streets.

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Amendment  
of section  
21 of Act of  
1865.

**178.** Section 21 (Streets may be sewered only or paved only and expenses recovered) of the Act of 1865 shall be read and have effect as if after the word "macadamised" where it firstly occurs in that section there were inserted the words "or order any street or court to be flagged only or paved or macadamised only without requiring it at the same time to be paved or macadamised or to be flagged as the case may be."

As to  
projections  
over streets.

**179.**—(1) Every notice board sign bracket or other projection which shall overhang any street shall be securely fixed and maintained by the owner thereof.

(2) If the Corporation have reason to believe that any such notice board sign bracket or other projection is not securely fixed they may enter upon the premises to which it is attached for the purpose of inspecting the same and the means by which it is attached.

(3) In the event of any such notice board sign bracket or other projection being insecurely fixed the Corporation may require the owner to fix the same securely within a period of seven days from the receipt of notice of such their requirement and in default of his so doing the Corporation may themselves carry out the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

Byelaws as  
to wires &c.  
connected  
with wire-  
less installa-  
tions.

**180.** The powers of the Corporation with reference to the making of byelaws under Part II. (Telegraph &c. wires) of the Public Health Acts Amendment Act 1890 are hereby extended so as to enable the Corporation from time to time to make alter and repeal byelaws for the prevention of danger or obstruction to the public from posts wires tubes aerials or any other apparatus in connection with or for the purposes of wireless telegraphy or telephony installations stretched or placed whether before or after the passing of this Act above over along or across any street or in such position above or over any building or other erection or garden or other place as to be liable to fall on to any street Nothing in such byelaws shall extend to or include any apparatus belonging to a railway company and used by them in connection with their business.

As to  
erection of  
buildings

**181.**—(1) The Corporation may from time to time prescribe and define what shall thereafter be the line of



frontage to be observed at or within a distance of fifteen yards from the corner of any street. The line which in any case the Corporation propose so to prescribe and define shall be definitely 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 to the owners of the premises affected. No building erection excavation or obstruction shall be made or re-made nearer to the centre of the street or streets at such corner than such line.

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—  
at street  
corners.

(2) The Corporation may and if required by the owner shall purchase the land lying between any such line as aforesaid 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 by arbitration under the Lands Clauses Acts.

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

(4) If after any such line shall have been so defined and prescribed as aforesaid any person shall act contrary to this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty of the like amount.

(5) 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 corner shall be fairly estimated and shall be set off against the said compensation or purchase money.

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—  
As to  
erection of  
hoardings  
&c. at  
street  
corners.

**182.**—(1) Before placing or erecting any hoarding or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding or fence proposed to be so placed or erected.

(2) If the placing or erection of such hoarding or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

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

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

Height of  
fences and  
hedges at

**183.**—(1) For the purpose of facilitating traffic by removing obstructions to view the Corporation

may give notice to the owner of any land situate at or within a distance of ten yards from the corner of any street or at or near any bend in any street prescribing the height of fences hoardings boundary walls hedges trees and shrubs at such corner or within such distance from the corner or bend as may be prescribed in the notice and thereupon the following provisions shall have effect:—

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—  
street  
corners.

(a) Unless such notice is withdrawn by the Corporation no person shall erect a fence hoarding or wall or permit a hedge tree or shrub to grow at a greater height than that prescribed by the notice;

(b) If required by the Corporation the owner of such land shall reduce the height of any fence hoarding wall hedge tree or shrub which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

(2) Any person who contravenes the provisions of paragraph (a) 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 and the Corporation may reduce the height of such fence hoarding wall hedge tree or shrub to the height prescribed by them and the expense incurred by the Corporation shall be repaid to them by the owner of the land.

(3) If any person for the period of one month after the service of a notice upon him by the Corporation of a requirement under paragraph (b) of subsection (1) of this section fails to comply therewith the Corporation may themselves carry out the requisition of their notice.

(4) The Corporation shall make compensation to the owner or other persons interested in any land for any loss or damage which he or they may sustain in consequence of the giving of any notice under this section but such compensation shall not include the expenses incurred by the Corporation and to be repaid to them under subsection (2) of this section and no compensation shall be paid a second time in consequence of the growth of any hedge tree or shrub above the height prescribed in the notice. The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

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(5) Any person aggrieved by any notice given by the Corporation under this section may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs. Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

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

Lopping  
of over-  
hanging  
trees and  
shrubs.

**184.**—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to obstruct vehicular traffic or passengers or where any tree is dangerous to such traffic or passengers the Corporation may serve a notice on the owner or occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within fourteen days so as to prevent such obstruction interference or danger and such notice shall be sufficient authority to the person so served to execute the work prescribed in the notice. In default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage and the expenses incurred by them shall be repaid by the person in default.

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

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Erection  
of retaining  
walls.

**185.**—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of

any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation. A.D. 1925.

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

**186.**—(1) The owner or other person using any hoard wall or other structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and in the event of any papers affixed for advertising purposes to such hoard wall or other structure falling off or becoming detached shall forthwith remove and clear away such papers. Restriction on advertisement hoards.

(2) Any person who acts in contravention of any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

**187.**—(1) The Corporation may cause to be put up or painted on a conspicuous part of some house building or place at or near to the corner of any street signs indicating the position of or the direction to towns railway stations public buildings and other places of a public character. Direction signs.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

A.D. 1925. Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

Means of  
escape  
from  
buildings  
in case of  
fire.

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

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

building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required. A.D. 1925.

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

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

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

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

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to 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.

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

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

(9) 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.

(10) Section 82 (Means of escape from buildings in case of fire) of the Act of 1909 is hereby repealed.

Prevention  
of obstructive  
buildings.

**189.**—(1) If the medical officer is of opinion that any building proposed to be erected would if erected:—

(a) stop ventilation or otherwise make or conduce to make other buildings in its proximity to be in a condition unfit for human habitation or dangerous or injurious to health; or

(b) prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

he may make a representation to the Corporation to that effect stating that in his opinion it is inexpedient that the proposed buildings should be erected.

(2) The Corporation on receiving any such representation shall cause a report to be made to them respecting the circumstances of the case and the cost of acquiring the land upon which such building is proposed to be erected and on receiving such report shall take into consideration the representation and report and if they decide to proceed shall cause a copy of both the representation and the report to be given to the owner of the said land with notice of the time and place appointed by the Corporation for the consideration thereof and such owner shall be at liberty to attend and state his objections and after hearing such objections the Corporation shall make an order either allowing the objection or directing that such building shall not be erected and such order shall be subject to appeal in like manner as an order of demolition of the local authority under the provisions of Part II. of the Housing of the Working Classes Act 1890.

(3) Where an order of the Corporation prohibiting the erection of a building is made under this section and either no appeal is made against the order or an



appeal is made and either fails or is abandoned the Corporation may (and if required so to do by notice in writing from the said owner served within seven days from the last date upon which such owner might have so appealed or from the hearing of such appeal (as the case may be) shall) purchase the land on which the building was proposed to be erected in like manner as if they had been authorised by a special Act to purchase the same and for the purpose of such purchase the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this section and such lands may be purchased at any time within one year after the date of the order or if it was appealed against after the date of the confirmation.

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(4) The owner of the land may within one month after notice to purchase the same is served upon him declare that he desires to retain the said land and in such case the owner shall retain the said land.

(5) The amount of any compensation to be paid on the purchase of any land under this section shall in case of difference be settled by arbitration in manner provided by section 41 of the Housing of the Working Classes Act 1890.

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

Restriction on erection of temporary stands.

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

**191.**—(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

Erection of buildings to greater height than adjoining buildings.

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A.D. 1925. 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.

(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.

Byelaws  
as to  
alterations  
to old  
buildings.

**192.** 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 in its application to the borough 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 in relation to the alteration of such plans and sections as can be required in relation to the erection of a new building.

Area of  
habitable  
rooms.

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

(2) Notwithstanding the provisions of section 125 (Height of rooms) of the Act of 1880 the Corporation may make byelaws under section 23 of the Public Health Acts Amendment Act 1890 with respect to the height of rooms and may enforce the same in lieu of the provisions of the said section 125.

Byelaws  
as to  
erection of  
dwelling-  
houses  
under con-  
tinuous roof.

**194.** The Corporation may make byelaws with respect to—

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space.

Byelaws  
as to  
materials  
and con-  
struction of  
buildings &c.

**195.**—(1) Section 157 of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to—

- (i) the materials with which new buildings shall be constructed;

- (ii) the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of and near ovens and furnaces ;
- (iii) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united ;
- (iv) the adequate lighting of buildings ;
- (v) the testing of drains of new buildings ;
- (vi) requiring the plans and sections deposited in pursuance of any provision in any local Act for the time being in force to be drawn on such materials and in such manner as may be prescribed in such byelaws.

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(2) Any byelaws under the said section 157 as above extended with respect to the matters dealt with in paragraphs (i) (ii) (iii) and (iv) of this section may be made so as to affect buildings erected before the times mentioned in the said section 157.

**196.** Notwithstanding the provisions of section 163 (Pipes from slopstones to be disconnected from sewers) of the Act of 1880 the Corporation may make byelaws under section 157 of the Public Health Act 1875 with respect to any matters dealt with in the said section 163 and may enforce such byelaws in lieu of the provisions of that section.

Byelaws  
as to  
pipes from  
slopstones.

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

Sanitary  
conveni-  
ences for  
workmen  
engaged on  
buildings.

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

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—  
Sufficient  
and proper  
food storage  
accommoda-  
tion to be  
provided.

**198.**—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

(b) Any owner aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs. Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(3) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

Saving for  
railway  
companies.

**199.** Nothing contained in this Part of this Act except the sections whereof the marginal notes are :—

As to erection of hoardings &c. at street corners ;  
Lopping of overhanging trees and shrubs ;  
Means of escape from buildings in case of fire ;  
Prevention of obstructive buildings ; and  
Sanitary conveniences for workmen engaged on  
buildings ;

shall apply to any building (not used as a dwelling-house) canal or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by such company and used for the purposes (other than for a dwelling-house) of their undertaking with the authority of Parliament. A.D. 1925.

**200.**—(1) As from the first day of April one thousand nine hundred and twenty-six the following enactments are hereby repealed (namely):—

The Act of 1865—

- Section 50 (Rules as to erection &c. of dwelling-houses);
- Section 51 (Certain reconstructions deemed new buildings);
- Section 53 (Prohibition of thatch);
- Section 55 (Respecting existing contracts for building);
- Section 58 (Power to make byelaws with respect to streets buildings &c.);
- Section 68 (All sewers &c. to be covered with traps).

Repeal of certain provisions relating to streets and buildings and byelaws in substitution therefor.

The Act of 1880—

- Section 89 (Notices plans &c. of new streets);
- Section 90 (Notices plans &c. of new buildings);
- Section 92 (Plans &c. deposited to belong to Corporation);
- Section 93 (Power of Corporation to disapprove plans &c.) from the commencement of the section to and including the words “in respect of the proposed work and”;
- Section 95 (Duration of approval);
- Section 96 (Service of notice on Corporation);
- Section 97 (Hours for notices &c.);
- Section 98 (Construction of streets and sewers);
- Section 99 (Width of streets);
- Section 100 (Continuations of existing streets to be deemed new streets);

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- Section 101 (Measurement of width of street);
- Section 102 (Width of footpaths);
- Section 103 (Gradients of streets);
- Section 104 (Entrances to streets);
- Section 106 (No buildings to be erected until datum stones laid);
- Section 107 (Sewer to be constructed before buildings erected) from and including the words "He shall also provide" to the end of the section;
- Section 110 (Notice of irregularity) from and including the words "No sewer or drain" to the end of the section;
- Section 111 (Hoards to be set up during progress of buildings &c.);
- Section 114 (Foundations damp-course);
- Section 116 (Strength of external and party walls);
- Section 117 (Strength of inner walls);
- Section 118 (Height of external and party walls);
- Section 119 (Woodwork in external or party walls);
- Section 120 (Bearings of bressummers or beam);
- Section 122 (Chimneys and flues);
- Section 123 (Roofs);
- Section 126 (Special ventilation of small rooms);
- Section 128 (Approval of mode of drainage);
- Section 129 (Construction of house drainage);
- Section 130 (Ventilation and construction of drains and waste water pipes);
- Section 131 (Drainage of subsoil and prevention of damp);
- Section 132 (Yards of houses);
- Section 133 (Continuance of space for dwelling-houses);
- Section 134 (Passage between yards of back-to-back houses);
- Section 135 (Waterclosets, privies and ashpits);
- Section 138 (Ovens and furnaces to have protecting walls);

Section 140 (Notice of completion of works and buildings); A.D. 1925.

Section 141 (Occupation of new houses);

Section 142 (Power of inspection) from and including the words "The owner or his agent" to the end of the section;

Section 143 (Power of surveyor on inspecting);

Section 144 (Notice in case of irregularity);

Section 151 (Cesspools) from the commencement of the section to and including the words "to the satisfaction of the Corporation";

Section 154 (Situation of waterclosets &c.);

Section 158 (As to privies or stables under workrooms).

#### The Oldham Corporation Act 1900—

Section 21 (Certain sections of Act of 1880 to apply) so far as it relates to section 154 (Situation of waterclosets &c.) of the Act of 1880.

(2) In order that new byelaws may be confirmed on and operate as from the said first day of April all notices given and proceedings taken within six months prior thereto with a view to the making and confirmation of new byelaws applicable to the borough shall be valid and effectual notwithstanding that at the time such notices are given or proceedings taken statutory enactments may be in force dealing with the subject matter of the byelaws.

(3) As from the said first day of April section 107 (Sewer to be constructed before buildings erected) of the Act of 1880 shall be read and have effect as if the words "the byelaws from time to time in force" were inserted therein in lieu of the words "this Part of this Act."

## PART XII.

### SEWERS AND DRAINS.

**201.**—(1) The Corporation may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this section referred to as a "sewage sewer") and they may also declare that any other sewer for the time being

Separate sewers for surface water and sewage may be required.

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A.D. 1925. belonging to them shall thenceforth be appropriated and used for surface water (in this section referred to as a "surface-water sewer").

(2) Where under the provisions of any Acts for the time being in force in the borough the Corporation have power to require any street to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of those Acts shall apply to such sewers accordingly Provided that the provisions of this sub-section shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface-water sewers.

(3) (a) Where in any street separate sewers for sewage and surface water shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation.

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

(c) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient effectually to drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own expense made all the necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and the surface-water drainage thereof and the Corporation may if they think fit make all such alterations.

Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

202.—(1) Where two or more houses or premises are connected to a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Corporation may recover any expenses



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

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(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough and section 84 (Amendment of section 19 of Public Health Acts Amendment Act 1890) of the Act of 1909 is hereby repealed.

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

**203.** 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 re-lay 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 of this section 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 Provided that no work shall be constructed under this section so as to interfere with or render less convenient the access to or egress from any station or depôt of a railway company.

Power to lay drains in private streets.

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

Notice of intention to repair drains.

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

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

(4) Nothing in this section contained shall apply to the repair by a railway company of any drain upon premises other than a dwelling-house used by them for the purposes of their railway undertaking.

Reconstruction of drains to be approved.

**205.**—(1) If any person intends to reconstruct or alter the course of any drain which communicates or is intended or required to communicate with any public sewer he shall give notice of his intention to the surveyor and shall supply to him such plan and short description of the intended drain or work as the surveyor may require.

(2) It shall not be lawful for any person to reconstruct or alter the course of any drain as aforesaid except in accordance with the enactments and byelaws relating to the drainage of existing buildings for the time being in force.

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

(4) Nothing in this section contained shall apply to the reconstruction or alteration by a railway company of any drain upon premises other than a dwelling-house used by them for the purposes of their railway undertaking.

Repair of private drains.

**206.** If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit.

Improper construction or repair of watercloset or drain.

**207.**—(1) If a watercloset or drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he

shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

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

(3) Section 86 (Improper construction or repair of watercloset drain &c.) of the Act of 1909 is hereby repealed.

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

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

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

(3) Provided that the Corporation shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

A.D. 1925.

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

Notice of emptying private reservoirs.

**209.** It shall not be lawful for any person to empty any private reservoir into the sewers of the Corporation without giving to the Corporation twenty-four hours' notice of their intention so to do. Provided that nothing in this section shall empower any person to require the Corporation to receive or dispose of liquid which the Corporation are now entitled to refuse to admit into the sewers.

Prohibiting entry of petroleum spirit &c. into sewers.

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

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

### PART XIII.

#### INFECTIOUS DISEASE.

For preventing spread of infectious disease.

**211.—**(1) Any person being the parent or having the care or charge of a child attending at a school who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent

or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings. A.D. 1925.

In any proceeding under this section a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) If any person not less than sixteen years of age while suffering from any infectious disease or being in charge of any person so suffering wilfully exposes himself or the person in his charge in such a manner as to conduce to the spread of the disease in any place of public entertainment or assembly shop inn or public conveyance he shall be liable to a penalty not exceeding five pounds.

(3) In this section the expression "school" includes a Sunday school.

**212.**—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the borough require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with. Power to close Sunday schools and exclude children from assemblies.

(2) Any person responsible for the conduct or management of any 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.

**213.**—(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 Restriction on attendance of children at places of assembly.

[Ch. xcvi.] *Oldham Corporation* [15 & 16 GEO. 5.]  
Act, 1925.

A.D. 1925. — 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 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 last-mentioned school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

Meaning of  
"infectious  
disease"  
and  
"Sunday  
school."

**214.** For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes in addition to the diseases included in the definition contained in the section of this Act of which the marginal note is "Interpretation" measles German measles whooping cough chicken pox ringworm scabies and influenza and the expression "Sunday school" includes any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday.

Power to  
require  
names of  
laundrymen  
in cases of  
infection.

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

Removal  
to hospital  
of person  
suffering  
from  
pulmonary  
tuberculosis.

**216.**—(1) If the medical officer certifies in writing (a) that any person is suffering from pulmonary tuberculosis and is in an infectious state and (b) 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 so suffering 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 for the detention and maintenance of such person therein subject to the consent of the superintending body of such hospital or place and subject to the like consent for such period not exceeding three months as may be determined by such order or such further periods not exceeding three months as may from time to time be determined by any further order made under and in accordance with the provisions of this section.

(2) The medical officer shall give the person so suffering or some person having the 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) (i) 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

(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 relative of or person actually dependent on the person so suffering.

(ii) On the hearing of any application under this section the court shall take into consideration the amount necessary for such maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependents.

[Ch. xcvi.] *Oldham Corporation* [15 & 16 GEO. 5.]  
Act, 1925.

A.D. 1925.

(4) An order under this section may be addressed to any 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 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.

**217.**—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van or similar structure used for human habitation) or any part thereof 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 such 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 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.

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 so having 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.

A.D. 1925.  
—

(b) 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 town clerk and who shall produce this authority enter on any premises between the hours of nine o'clock in the forenoon and six o'clock in the afternoon.

(c) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable 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 requirements shall be liable to a penalty not exceeding five pounds.

(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 exercise by the Corporation of any of the powers of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of the compensation shall be recoverable in and in case of dispute may be settled by a court of summary jurisdiction.

**218.** 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.

Prevention  
of contact  
with body of  
person dying  
of infectious  
disease.

A.D. 1925.

Removal of  
body of  
person  
dying of  
infectious  
disease.

**219.**—(1) When any person suffering from infectious disease shall die of such disease the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given 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 two pounds.

(2) Section 172 (Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial) of the Act of 1880 is hereby repealed.

Power to  
supply  
antidotes  
against  
infectious  
disease.

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

Power to  
close  
infectious  
common  
lodging-  
house.

**221.**—(1) If the Corporation deem it necessary on account of the existence or recent existence therein of infectious disease to close a common lodging-house they may make an application to a court of summary jurisdiction for an order to close the same and the court if satisfied of the necessity of such closing may make an order for the closing of such house until the same shall have been disinfected to the satisfaction of and certified to be free from infection by the medical officer and any keeper of a common lodging-house who shall receive any lodger or suffer or permit any lodger to remain in such house after an order has been made to close the same and during the continuance of such order shall be liable to a penalty of five pounds for every day during which the offence continues.

(2) The Corporation shall make compensation to the keeper of any such lodging-house for any loss he may sustain by reason of any such closing.

**222.** If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household in such a manner as to be likely to spread the infectious disease he shall be liable to a penalty not exceeding forty shillings. A.D. 1925.  
 Prohibition of infected person carrying on business.

**223.** Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement at least twice in a newspaper published or circulating in the borough. Public notice to be given of provisions of Part XIII. of Act.

#### PART XIV.

##### SANITARY PROVISIONS.

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

A.D. 1925.

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

(3) The cleansing of females under this section shall only be effected either by a duly qualified medical practitioner or by a female person.

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

(5) For the purpose of this section the word "house" includes any boat tent van shed or similar structure used for human habitation.

(6) This section shall not apply to any child.

Cleansing  
of children  
and their  
clothing.

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

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

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

or other person liable to maintain the child allows him to get into such condition that it is again necessary to proceed under this section the parent guardian or other person shall be liable to a penalty not exceeding twenty shillings.

A.D. 1925.

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

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

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

**226.** The expression "house" where used in section 91 (Houses infested with vermin to be cleansed) of the Act of 1909 shall include any boat tent van shed or similar structure used for human habitation.

Definition for purposes of section 91 of Act of 1909.

**227.—**(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 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.

**228.** When the medical officer certifies in writing that any dwelling-house is in an insanitary condition

Cleansing of dwelling-houses in

A.D. 1925.

certain  
cases.

and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Corporation (who shall give to the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Corporation to cleanse and disinfect the dwelling-house and the Corporation may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary.

Closet  
accommoda-  
tion in  
houses  
occupied by  
more than  
one family.

**229.**—(1) Section 36 of the Public Health Act 1875 shall apply to a part of a house occupied by a separate family as it applies to the whole of a house and the section shall with the necessary modifications apply accordingly.

(2) The provisions of subsections (2) (3) and (4) of section 26 of the Housing Town Planning &c. Act 1919 shall apply with any necessary modifications as if the same were set out in this section.

Provisions  
as to  
houses let  
in lodgings.

**230.**—(1) No house to which the byelaws with respect to houses let in lodgings or occupied by members of more than one family from time to time apply shall be let in lodgings or occupied by members of more than one family unless such house is registered by the Corporation and any person letting in lodgings or for occupation by members of more than one family any part of any such house not so registered shall be liable to a daily penalty not exceeding one pound.

(2) (a) The Corporation may refuse to register any such house or (after giving one month's notice in writing to the person in whose name any such house is registered) to retain such house upon the register upon the ground that the premises are not suitable to be let in lodgings or to be occupied by members of more than one family or are not kept clean and in a reasonably tenantable condition.

(b) If the Corporation refuse to register or to retain upon the register any such house they shall if required by the person applying for such registration or in whose name the house is registered deliver to him a statement in writing of the ground or grounds upon which such refusal is based.

(c) Any person aggrieved by any such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of a refusal to register or of the notice of a refusal to retain and that not less than forty-eight hours' notice of such appeal be sent to the Corporation and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the Court may direct. A.D. 1925.

(d) On any such appeal the court may confirm the refusal or direct the Corporation to register the premises or to retain them upon the register and the Corporation shall comply with any such direction.

(3) The provisions of this section shall come into force on the first day of January one thousand nine hundred and twenty-six and the Corporation shall cause public notice to be given of the provisions of this section by advertisement published once in each of three successive weeks in at least two newspapers published or circulating in the borough in the months of August and September or one of them immediately preceding the date when such provisions shall become operative and shall also send a circular notice to every owner of property whose name shall be upon the rate books of the Corporation.

**231.** The owner of any dwelling-house or tenement which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings : Water supply for dwelling-houses to be provided.

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

**232.—**(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public Health (Buildings in Streets) Act 1888 to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section. Provisions as to tents vans &c.

[Ch. xcvi.] *Oldham Corporation* [15 & 16 GEO. 5.]  
Act, 1925.

A.D. 1925.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

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

Prohibition  
of tents  
vans &c.

**233.**—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the borough without the previous approval of the Corporation but this subsection shall not apply to a tent van shed or structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months.

(b) Any person aggrieved by the withholding by the Corporation of their approval of any land for the purposes mentioned in this subsection may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(2) It shall not be lawful for any person to let or use any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(3) If any person dwelling in a tent shed or van or other similar structure occupies land within three hundred yards of any dwelling-house and the occupation of such land by him is a nuisance or injurious to health a court of summary jurisdiction may on complaint by the Corporation make an order prohibiting (either absolutely or subject to conditions) the further occupation of such land or any other land within a radius of one



thousand yards thereof by such person and if the order be not complied with the person shall be liable to the penalty mentioned in subsection (6) of this section. A.D. 1925.

(4) The Corporation before making any complaint shall give to the owner or lessee of the land so occupied or to the person who has suffered the land to be so occupied not less than seven days' notice in writing of their intention so to complain and shall at the same time give a similar notice to the person with regard to whom the complaint is intended to be made.

(5) This section shall not apply to any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

(6) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

**234.**—(1) The following provisions shall apply to any room or shop 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 :—

Sanitary regulations for premises used for sale &c. of food.

- (a) Any such room or shop shall be properly ventilated to the reasonable satisfaction of the medical officer;
- (b) No urinal watercloset earthcloset privy ashpit or other like sanitary convenience shall be within such room or shop or shall communicate therewith except through the open air or through an intervening ventilated space;
- (c) No drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within such room shop or other part of the building;
- (d) 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;

A.D. 1925.

(e) Due cleanliness shall be observed in regard to such room shop or other part of the building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of the building.

(2) The medical officer and sanitary inspector shall have power to enter and inspect any room shop or part of a building to which the provisions of this section apply for the purpose of ascertaining whether or not such provisions are being complied with.

(3) 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 exists or does or knowingly permits any act or thing therein in contravention of this section or obstructs the medical officer or sanitary inspector from exercising his powers of inspection thereunder 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.

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

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

**235.**—(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 a 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.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of the provisions of this section and any person refusing such entry or

inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings. A.D. 1925.

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

**236.**—(1) For the purposes 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 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 any one set of premises to any other premises or (b) it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or (c) any premises on which it is for the time being carried on are enlarged but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership 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. Amendment of law as to offensive trades.

(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.

**237.**—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act and in Discontinuance of offensive trade.

A.D. 1925. — 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 appeals" 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.

(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 under the provisions of this section require any person to cease to use such premises for the carrying on of an offensive trade they shall pay compensation to such person for any loss sustained by him in consequence of the action of the Corporation 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.

Restrictions  
on use of  
ashbins.

**238.**—(1) It shall not be lawful for any person to use any ashbin or dustbin for any purpose other than the deposit of dust ashes or other house refuse not being of a liquid or partly liquid character intended for removal by or on behalf of the Corporation.

(2) Any person contravening the provisions of this section shall be liable to a penalty of ten shillings and to a daily penalty of ten shillings.

**239.**—(1) Section 98 of the Public Health Act 1875 shall in its application to the borough in relation to the abatement of nuisance arising from smoke be read and have effect as if the sum of five pounds were referred to therein instead of the sums of ten shillings and twenty shillings. A.D. 1925.  
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As to penalties for smoke nuisance.

(2) Subsection (5) of section 85 (Penalties for non-consumption of smoke) of the Act of 1865 is hereby repealed and subsection (2) of that section shall be read and have effect as if the words “or that an unnecessary or excessive quantity of smoke is emitted” were inserted therein after the word “burnt” and as if the words “five pounds” were inserted therein in lieu of the words “forty shillings.”

**240.**—(1) The provisions of section 91 of the Public Health Act 1875 shall extend to and be applicable in respect of the emission from any chimney of any grit or gritty particles as if such grit or gritty particles were smoke arising from furnaces. Preventing nuisance caused by emission of grit from chimneys.

(2) This section shall not apply to any locomotive steam engine used on the railway of any railway company or to any mechanically propelled road vehicle.

**241.**—(1) Every consumer of gas whether supplied by the Corporation or from any other source and every other person who uses a stationary or fixed internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall at all times at his own expense keep such silencer in proper repair and in default of his so providing using or keeping such silencer in proper repair the Corporation may if gas is supplied by them cease to supply gas to such consumer. The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the consumer or other person aforesaid. Silencers for internal combustion engines.

(2) Any person neglecting to carry out the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

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Streams  
choked up  
to be a  
nuisance  
under  
Public  
Health Act.

**242.** Any river stream or watercourse or any part or parts thereof respectively 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 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.

Owners to  
repair and  
cleanse  
culverts.

**243.**—(1) The owner of any culvert over any watercourse shall from time to time repair maintain and cleanse the same and if any such owner fail to comply with the requirements of a notice given to him by the Corporation to repair maintain or cleanse such culvert within a time specified in the notice the Corporation may execute any necessary works of repair or maintenance of or may cleanse such culvert and the expenses thereby incurred as certified by the surveyor shall be repaid to the Corporation by the owner.

(2) This section shall not apply to any culvert constructed and maintained or to be constructed and maintained under any statutory provisions.

Penalty for  
throwing  
solid matter  
into  
streams.

**244.** Every person who throws deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook 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.

## PART XV.

### HUMAN FOOD.

Notice of  
slaughter of  
animal unfit  
for human  
food.

**245.**—(1) Where any person being the owner of any bull ox cow heifer calf sheep lamb or pig which is emaciated or diseased and unfit for human food is about to slaughter the same or about to cause the same to be slaughtered he shall give previous notice to the medical officer or sanitary inspector of such intention

and shall on the application of the medical officer or sanitary inspector within six weeks from the date of such slaughter furnish such information within his knowledge as the medical officer or sanitary inspector may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcase or any part thereof.

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(2) Any person failing to give such notice or refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding ten pounds.

**246.**—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for the food of man (the proof that the same was not sold for the food of man resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the said section 117 unless he proves that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition.

Penalty on original vendor of unsound food.

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

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession

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A.D. 1925. — 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.

Registration  
of premises  
used for  
preserving  
foods.

**247.**—(1) Any premises ordinarily used or proposed to be ordinarily used for the preparation or manufacture of sausages pressed potted or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time in such manner as they may direct and no premises shall be used for the purposes aforesaid unless the same are so registered and the Corporation shall have power to refuse registration of any premises where the conditions are unsuitable.

(2) Any person offending 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.

(3) The provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

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

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

Entry and  
inspection  
of premises  
where food

**248.**—(1) Subject to the provisions of this Act the medical officer the sanitary inspector or any officer duly authorised by the Corporation in that behalf shall



at all reasonable times have power to enter the premises of any vendor of or merchant or dealer in any commodity intended for the food of man or any premises where any such commodity is for the purposes of sale deposited or stored or in preparation for sale for the purpose of inspecting such premises and the materials or commodities or articles of food therein.

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deposited  
for sale.

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

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

**249.**—(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 con-  
tamination  
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.

A.D. 1925.

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

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

shall be liable for every such offence to a penalty not exceeding five pounds.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or other similar commodity) suffering from any infectious disease the medical officer or sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice-cream commodity or materials so destroyed :

Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation

in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or stand in or on which the same are offered for sale as an officer of the Corporation would have under section 102 of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings. A.D. 1925.

(4) Section 30 (For regulating manufacture and sale of ice-cream) of the Oldham Corporation Act 1900 is hereby repealed.

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

**252.**—(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 a rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute any article of food 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 a rag and bone merchant. Rag and bone dealers not to sell food.

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

**253.**—(1) It shall not be lawful for any cart or other vehicle used for the removal or conveyance of manure refuse or knackers' carcasses or materials to be used for the conveyance or distribution of any articles of food. Food not to be conveyed in certain vehicles.

(2) The owner of any cart or vehicle used in contravention of this section shall be liable to a penalty not exceeding five pounds unless he shall prove that such use was without his knowledge or consent.

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Byelaws  
requiring  
covering of  
food  
during  
conveyance  
in streets.

**254.** The Corporation may from time to time make byelaws for securing the cleanliness and protection from contamination of articles intended for human food while being conveyed through or along any street and for securing the cleanliness of any cart vehicle or receptacle in which such articles are so conveyed :

Provided that before making any such byelaws applicable to the collection and delivery by any railway company or their contractors or agents of traffic in meat or other articles of food at from or to any railway canal or depôt of that company the Corporation shall give not less than one month's notice to such company of their intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the company shall be entitled to make representations to the Minister of Health with regard thereto.

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

**255.** Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement at least twice in a newspaper published or circulating in the borough.

## PART XVI.

### MATERNITY HOMES.

Registration  
of maternity  
homes.

**256.**—(1) On and after the first day of January one thousand nine hundred and twenty-six (which date is in this Part of this Act referred to as "the prescribed date") it shall not be lawful for any person to carry on a maternity home unless the name of such person and the premises used or represented as being or intended to be used for the purpose of such home are registered with the Corporation.

(2) Any person requiring registration in respect of any such home shall make application in writing to the Corporation and shall in such application state—

- (a) his full name ;
- (b) his age nationality and technical qualifications (if any) ;
- (c) his private address or in the case of an application by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body

and so far as may reasonably be required the names and private addresses of the persons directly or indirectly responsible for the management of such company society association or body;

(d) the name under which and the address at which such home is carried on or proposed to be carried on; and

(e) such further information (if any) as the Corporation may reasonably require with respect to the person or premises to be registered or the number of patients to be accommodated at any one time and the equipment in such premises;

and when making such application shall pay to the Corporation such fee as they may fix not exceeding five shillings.

(3) Every person carrying on any such home at the passing of this Act and requiring registration in respect thereof shall make application for such registration within one month after the date or (if more than one) the latest date of publication of the advertisements with regard to this Part of this Act referred to in the section of this Act whereof the marginal note is "Public notice to be given of provisions of Part XVI. of Act."

(4) Subject as in this section provided the Corporation shall as soon as reasonably practicable after the receipt of an application under the provisions of this section (and not later in the case of an application under subsection (3) of this section than the prescribed date) register the name of the applicant and the premises specified in his application.

(5) The Corporation by order to be served on the person carrying on or proposing to carry on any such home may refuse to register the name of such person or the premises used or represented as being or intended to be used for the purposes of such home or may cancel the registration of such person or premises on the ground that—

(a) such person is under the age of twenty-one years; or

(b) such person is unsuitable to carry on such home; or

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- (c) the premises or their equipment are or is unsuitable for the purposes of a maternity home; or
- (d) the premises are used or intended to be used for the accommodation at any one time of an excessive number of patients; or
- (e) the premises or any other premises used for any purpose in connection with such first-mentioned premises or with any business or occupation carried on therein are being used for any immoral purpose.

(6) Before making any such order the Corporation shall give to the person proposed to be served therewith not less than seven days' previous notice in writing stating their intention to make the order and the grounds on which the order is proposed to be made and on written application made to them by such person within seven days after the giving of such notice they shall afford to such person an opportunity of being heard against the order.

(7) Any such order cancelling any registration shall take effect at the time specified in the order not being less than fourteen days after the service thereof but in the event of an appeal against any such order the order shall not come into operation unless and until it has been confirmed on appeal or the appeal has been abandoned.

(8) Any person aggrieved by any such order may appeal to a court of summary jurisdiction provided that such appeal is made within fourteen days after the order has been served upon him.

The court after considering any representations made on behalf of the Corporation may if it thinks fit confirm such order or direct the Corporation to withdraw such order and as soon as reasonably practicable the Corporation shall give effect to such direction.

Byelaws  
as to  
homes.

**257.**—(1) The Corporation may make byelaws prescribing the records to be kept with respect to the patients received the children born and the business carried on at a maternity home and requiring the notification to the Corporation of any death occurring thereat the cause of death and whether an inquest was held.

(2) Every person carrying on a maternity home shall keep exhibited in a suitable place (to be approved by the Corporation) in such home a copy of the byelaws in force under this Part of this Act. A.D. 1925.

**258.** Any officer duly authorised by the Corporation in that behalf may subject to such regulations (if any) as may be made by the Corporation at all reasonable times enter and inspect any premises which are used or which such officer has reasonable cause to believe are used for the purposes of a maternity home and the entries in any records required to be kept in connection therewith. Powers as to entry and inspection.

**259.** Subject to the provisions of this Part of this Act— Penalties for offences in respect of homes.

(1) Every person who carries on a maternity home in contravention of the provisions of this Part of this Act shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of a second or subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any period of imprisonment not exceeding three months :

(2) Every person who—

(a) refuses to permit any officer of the Corporation to enter or inspect any premises which such officer is authorised under the provisions of this Part of this Act to enter and inspect or the records to be kept pursuant to any byelaw made under the said provisions or obstructs any such officer in the execution of his duty under such provisions or under the provisions of any such byelaw as aforesaid ;  
or

(b) carries on a maternity home in contravention of the provisions of any such byelaw ;  
or

(c) issues publishes or displays or causes to be issued published or displayed any advertisement relating to a maternity home which is not registered in accordance with the provisions of this Part of this Act after the

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expiration of a period of seven days after the Corporation have given him written notice that the registration of such home has been refused or cancelled under the provisions of this Part of this Act;

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds;

- (3) The court may in addition to imposing a penalty under this section order the cancellation of the registration :

Provided that a person who has appealed to a court of summary jurisdiction in accordance with the provisions of this Part of this Act against an order made by the Corporation thereunder cancelling registration shall not until such order has been confirmed on appeal or has been abandoned be liable to any proceedings under this section for the offence of carrying on a maternity home in contravention of the provisions of this Part of this Act or of any byelaw made thereunder.

Directors of companies to be personally liable for penalties.

**260.** Where any company registered under the Companies Acts 1862 to 1907 or under the Companies Acts 1908 to 1917 or any Act amending the same commits any offence for which a penalty is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers of such company as well as or instead of against the company and each such director or manager shall be liable on conviction to the like penalty as if he were the person committing the offence unless he proves to the satisfaction of the court—

- (1) that the act which constituted the offence took place without his knowledge consent or connivance; and  
(2) that he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

Saving for homes carried on by medical practitioners.

**261.**—(1) Subject as hereinafter provided the provisions of this Part of this Act shall not apply in the case of a maternity home carried on by a duly registered medical practitioner with respect to which there has been lodged with the Corporation a certificate in a form to be approved by them and signed by two duly registered



medical practitioners practising or residing in the borough not being in partnership with such first-mentioned medical practitioner or with each other and not having any financial or other interest in such home to the effect that the premises used or represented as being or intended to be used for such home and the equipment provided at such premises are in all respects suitable for the purpose and that the medical practitioner carrying on or proposing to carry on such home is a suitable person to carry on the same.

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(2) Any such certificate shall not be valid—

- (a) with respect to any person or premises other than the person or premises specified therein; or
- (b) for a period extending beyond the thirty-first day of January next following the date of the certificate.

**262.**—(1) Notwithstanding anything contained in this Part of this Act the foregoing provisions thereof shall not apply in the case of—

Saving for certain premises.

- (a) any hospital infirmary institution or other establishment maintained or controlled by any Government department or local authority or any other authority or body constituted by Parliament or incorporated by Royal Charter; or
- (b) any hospital or home towards the maintenance of which any grant is made from the Exchequer; or
- (c) any hospital for the time being recognised by any committee or body administering either of the publicly subscribed funds known respectively as the Hospital Sunday Fund and the Hospital Saturday Fund as a hospital to which grants from either of such funds may be made; or
- (d) any institution or home for the training of persons desirous of becoming midwives which is for the time being approved by the Central Midwives Board constituted under the Midwives Acts 1902 and 1918; or
- (e) any maternity home in which only relatives of the person carrying on such home are received for the purposes of childbirth.

A.D. 1925.

(2) For the purposes of this section the expression "relatives" means sisters daughters grand-daughters nieces aunts or mothers by consanguinity or affinity and in the case of persons of illegitimate birth persons who would be so related if legitimate.

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

**263.** Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement at least twice in a newspaper published or circulating in the borough.

## PART XVII.

### HACKNEY CARRIAGES.

As to public vehicles plying for hire at railway stations.

**264.** The provisions of the Town Police Clauses Act 1847 and the byelaws of the Corporation in force with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises as if such railway station or railway premises were a stand for hackney carriages or a street Provided that the provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicle Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage in any railway station or railway premises or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

Inspection and certification of taximeters.

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

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected. A.D. 1925.  
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(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

**266.** The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions 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 ordinarily for the purpose of being let on hire by the day or for longer periods of time or for journeys under special contract or to an omnibus as defined in the Town Police Clauses Act 1889. Provisions as to motor vehicles let for hire.

**267.** An occasional licence for a hackney carriage omnibus or other 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.

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

## PART XVIII.

### POLICE.

**269.**—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough (other than processions which are periodically organised or formed by the Salvation Notice of processions to be given.

A.D. 1925. Army) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the chief constable of the borough twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets. If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

(2) Nothing in this section shall limit the powers of the mayor under section 211 (Regulation for preventing obstruction in streets during public processions &c.) of the Act of 1865.

Power to stop traffic on occasions of emergency.

**270.** It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on emergency to cause barricades to be erected across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

As to control of traffic by police.

**271.** 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.

Unauthorised riding upon vehicles.

**272.** Every person who shall ride upon or cause himself to be carried or drawn by any vehicle without the consent of the owner or driver thereof shall be liable to a penalty not exceeding ten shillings.

Lost property.

**273.** Any property found and handed to a police constable shall be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed by the owner within three months after the

finding thereof the Corporation shall give notice in writing to the finder and if such property be not claimed by the owner or the finder within a further period of three months it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the borough fund. A.D. 1925.

**274.** Every person who breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bins whether negligently or wilfully shall make full compensation to the Corporation for the damage done and the amount of such compensation (to be settled by a justice in case of dispute) shall be recoverable in a summary manner before a court of summary jurisdiction. Compensation to be paid for injuring lamps &c.

## PART XIX.

### RATING PROVISIONS.

**275.** This Part of this Act shall come into operation on the first day of April one thousand nine hundred and twenty-six. Commencement of Part XIX. of Act.

**276.** The following enactments are hereby repealed (namely) :— Repeal of certain rating provisions.

Subsection (2) of section 292 (Power to levy borough rate) and section 295 (Rates may be prospective or retrospective) of the Act of 1865.

So much of section 50 (Provisions respecting mortgages &c.) of the Oldham Corporation Waterworks &c. Act 1870 and of section 35 (Applying certain sections of Act of 1870) of the Oldham Corporation Water Act 1875 as apply the said subsection (2);

Section 48 (Applying subsection (2) of section 292 of the Act of 1865) of the Oldham Corporation Act 1886;

Article II. (2) of the Oldham Order 1896;

Subsection (2) of section 45 (Provisions of recited Acts as to mortgages to apply) of the Oldham Corporation Act 1899;

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So much of section 35 (Provisions of the recited Acts as to mortgages to apply) of the Oldham Corporation Act 1900 and of section 106 (Incorporation of sections of former Acts) of the Act of 1909 as relate to subsection (2) of section 292 of the Act of 1865;

Subsection (2) of section 62 (Incorporation of provisions of Acts of Oldham Corporation) of the Oldham and Rochdale Corporations Water Act 1923.

Contribution to borough rate to be paid out of poor rate.

**277.** The contribution of the township to the borough rate shall be paid by the overseers out of the poor rate and the provisions of section 145 of the Municipal Corporations Act 1882 shall apply to such contribution.

Borough rate may include prospective and retrospective charges.

**278.** The borough rate may be made and levied prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

Poor rate to be called the town rate.

**279.** The poor rate (inclusive of the contributions to the borough fund levied in pursuance of the provisions of this Act) shall be called "the town 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.

Rating of owners instead of occupiers.

**280.**—(1) The owner instead of the occupier of a dwelling-house may from time to time at the option of the Corporation be rated to the town rate (a) where the rateable value of the premises does not exceed eight pounds or (b) where the premises are let in separate apartments and the rateable value of each separate apartment does not exceed eight pounds.

Provided that—

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

- (ii) where the owner of any premises referred to in this subsection gives notice in writing to the overseers that he is willing to pay the rates whether the premises are occupied or not the overseers may make a further allowance not exceeding fifteen per centum from the amount of the rate when paid by him within such period as the overseers may determine not being less than three months after the rate has been demanded. A.D. 1925.

(2) When the Corporation exercise their powers under this section they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner and the owner shall pay the rate accordingly and during the currency of any such notice the provisions of this section shall apply within the borough in respect of premises to which this section relates in substitution for the provisions with regard to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869.

**281.** The provisions contained in this section shall have effect with respect to the town rate to be made and levied by the overseers (that is to say):— Differential rating in certain cases.

(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 town rate in respect of such hereditaments on the full rateable value thereof but (subject as hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of fifty-two per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

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

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

“ The owner of tithe rentcharge attached to a benefice shall be liable to pay only sixty-two and one-half per centum of the amount payable under subsection (1) of the section of the *Oldham Corporation Act 1925* of which the marginal note is ‘ *Differential rating in certain cases* ’ in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining thirty-seven and one-half per centum thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of estate duty grant ” :

- (3) During the continuance of the *Agricultural Rates Act 1923* the occupier of any agricultural land as defined in the *Agricultural Rates Act 1896* shall be liable to pay in each year in respect of such land a rate calculated on the basis of twenty-five per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :
- (4) During any period in which the *Agricultural Rates Act 1896* shall be in force and the *Agricultural Rates Act 1923* shall not be in force the occupier of any agricultural land as defined in the said Act of 1896 shall be liable to pay in each year in respect of such land a rate calculated on the basis of thirty-two and one-half per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :
- (5) Nothing in this section shall in any way affect—
  - (a) The share of the annual grant payable under the *Agricultural Rates Act 1896* to any spending authority or save as expressly provided in this Act the operation of that Act;or



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

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

(d) the amount of the contribution for any purposes to be made by the township out of the poor rate; or

(e) the calculation of the amount in the pound of the part of the town 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:

(6) (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 county palatine of Lancaster holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days' notice in writing of such appeal and of the ground thereof be given by the appellant to the Corporation and the overseers.

(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.

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

As to recovery of town rate.

As to section 133 of Lands Clauses Consolidation Act 1845.

Amendment of town rate.

Amendment of error in town rate.

Discount on town rate.

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

**283.** No warrant of commitment in respect of non-payment of the town 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.

**284.** For the purposes of section 133 of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be thirty-three per centum of the amount in the pound of the town rate.

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

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

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

**287.** The Corporation may from time to time if they think fit direct the overseers to make an allowance by way of discount not exceeding five per centum on the amount due in respect of any town rate from every person other than an owner referred to in the section of this Act of which the marginal note is "Rating of owners

instead of occupiers" who pays the same within such time after demand of the rate as the Corporation shall prescribe and the overseers shall make such allowance accordingly Provided that such discount shall be at the same rate under like circumstances to all persons Provided also that notice of this enactment shall be endorsed on every demand note for rates.

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**288.** Section 267 of the Public Health Act 1875 shall apply to any demand for the town rate to be served by the overseers and to any demand for any rent rate or charge to be served by the Corporation.

Service of demands.

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

Overseers may require returns.

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

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

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

(3) The overseers shall whenever required by the assessment committee of the Oldham Poor Law Union

A.D. 1925. — 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 or any hereditament therein.

As to  
assistant  
overseers.

**290.**—(1) Any assistant overseer appointed by the Corporation and all officers appointed or to be appointed by the Corporation to assist in the discharge of the duties of overseers shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Minister of Health shall report thereon annually to the Corporation and such securities shall be deposited with the Corporation.

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

Borough  
rate may  
include  
working  
balance.

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

## PART XX.

### FINANCE.

Power to  
borrow and  
repayment  
of borrowed  
moneys.

**292.**—(1) The Corporation may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all

moneys so borrowed shall be chargeable on the revenues of the Corporation and shall be repaid within the respective periods set forth in the third column thereof and the Corporation may apply any sum so borrowed for the said purposes respectively (that is to say):—

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Purpose.	Amount.	Period for Repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.
(2) For the purchase of lands for the street improvements and other purposes of this Act.	£ 125,700	Sixty years from the date or dates of borrowing.
(3) For the construction of the street improvements.	40,000	Thirty years from the date or dates of borrowing.
(4) For the provision of trolley vehicles -	282,000	Ten years from the date or dates of borrowing.
(5) For the provision of electrical equipment for working the trolley vehicles.	36,400	Twenty years from the date or dates of borrowing.
(6) For the provision of omnibuses -	44,000	Eight years from the date or dates of borrowing.
(7) For the erection and equipment of a garage and depôts for trolley vehicles and omnibuses.	35,100	Thirty years from the date or dates of borrowing.

Provided that any moneys borrowed under section 91 (Power to Oldham Corporation to borrow and repayment of borrowed moneys) of the Ashton-under-Lyne Corporation Act 1924 shall for all purposes after the passing of this Act be deemed to have been borrowed under this section.

(2) The Corporation may also with the sanction of the Minister of Transport borrow such further moneys as may be necessary for any purpose of the tramways undertaking including the provision of a fund for working capital.

(3) The Corporation may also with the sanction of the Electricity Commissioners borrow such further moneys as may be necessary for any purpose of the electricity undertaking including the provision of a fund for working capital.

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(4) The Corporation may also with the sanction of the Minister of Health borrow such further moneys as may be necessary (a) for any purpose of the water and gas undertakings respectively including the provision of funds for working capital (b) for the purpose of providing a working balance for the payment of current expenses that may be incurred by the Corporation in the exercise or performance of their powers and duties the cost of which is from time to time charged on the borough fund and (c) for any other of the purposes of this Act.

(5) Any moneys borrowed under the powers of subsections (2) (3) and (4) of this section shall be repaid within such periods not exceeding sixty years as may be prescribed by the authority with whose sanction such moneys are borrowed and the revenues of the Corporation chargeable for any moneys so borrowed shall be such as that authority shall prescribe.

Mode of  
raising  
money.

**293.** The Corporation may raise all or any moneys which they are authorised to borrow under this Act by the creation and issue of Corporation stock or by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of section 104 (Sinking fund) of the Act of 1909 shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Incorporation of  
certain  
financial  
provisions.

**294.** The following provisions of the Acts in this section mentioned shall so far as applicable extend and apply to and in respect of moneys borrowed by the Corporation under this Act as if they were re-enacted herein (that is to say):—

The Act of 1880—

Section 238 (Corporation not to regard trusts).

The Oldham Corporation Act 1899—

Section 47 (Mode of payment off of money borrowed);

Section 49 (Appointment of receiver); and

Section 51 (Application of money borrowed).

The Act of 1909—

Section 104 (Sinking fund):

Provided that the said section 104 shall be read and have effect as if the Minister of Health were referred to therein in lieu of the Local Government Board and for the purposes of the application of the said section the periods for repayment referred to in the section of this Act whereof the marginal note is "Power to borrow and repayment of borrowed moneys" shall be deemed to be "the prescribed periods."

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**295.**—(1) Notwithstanding anything contained in any other Act relating to the Corporation where the Corporation have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

Power to use one form of mortgage for all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Fifth Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods and by the means within and by which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section.

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

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a fine not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Fifth Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

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

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.



(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

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**296.**—(1) The Corporation shall have power—

Power to re-borrow.

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

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the 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.

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

(3) The 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.

**297.**—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the said Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

Returns 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 of Health may require and shall if so required by him be verified by statutory declaration of the treasurer 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 town clerk 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 appear to the Minister of Health 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 the Act in pursuance of which the moneys are raised or by the said 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.

Consolidated loans fund.

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

(a) all moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys temporarily borrowed without security in connection with the exercise of duly authorised borrowing powers ;

- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose ; and
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers ;

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

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation :—

- (a) in the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation ; or
- (b) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation ;

and any moneys of the consolidated loans fund 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.

(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.

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(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.

Investment  
of and  
payments  
into  
sinking  
fund.

**299.** When under the provisions of this Act or of any other 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 or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and accumulations thereof required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (that is to say):—

(1) The Corporation may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in statutory securities ;

(2) The said yearly sums and accumulations shall be paid and provided out of the borough fund and borough rate and any interest dividends and annual proceeds arising from the investment thereof or of any moneys standing to the credit of any sinking or loans fund as aforesaid at or after the passing of this Act shall be paid into the borough fund.

Power to  
invest  
certain  
funds in  
statutory  
securities.

**300.** 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 reserve or renewals fund they may (in addition to any other powers for the time being vested in them) invest such reserve or renewals fund and the interest on the investments of such reserve or renewals fund in statutory securities.

Use of  
moneys  
forming  
part of  
sinking and  
other funds.

**301.** Notwithstanding anything contained in this or any other Act the Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund loans fund redemption fund or reserve fund of the Corporation (in

this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions:—

(a) The moneys so used shall be repaid by the borrowing fund to the lending fund as and when required for meeting the obligations for which the said fund was established and if and so far as they are not so required within the periods by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be payable:

Provided that the Corporation may, if they so determine repay to the lending fund the money so used at any time within the period aforesaid:

(b) Interest shall be paid by the borrowing fund 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 revenues of the Corporation which would be applicable to the payment of interest on a loan raised under the statutory borrowing power:

(c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to the reborrowing of sums raised under the statutory borrowing power shall apply thereto.

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

Receipt in case of persons not sui juris.

**303.** 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

Evidence of transfer or transmission of securities.

A.D. 1925. — issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the treasurer 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.

Interest on mortgages &c. held jointly.

**304.** Where more persons than one are registered as joint holders of any mortgage annuity or stock of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Protection of lender from inquiry.

**305.** A person lending any moneys to the Corporation shall not be bound or entitled to inquire as to the observance by the Corporation of any provisions of this Act or any other Act or Acts or of the conditions attaching to the statutory borrowing power under which the money is borrowed or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

Scheme for fixing equated periods.

**306.**—(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. A.D. 1925.  
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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.

(5) The Corporation may with the sanction of the Minister of Health and on the security of the revenues of the Corporation 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.

**307.** Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister of Health shall in each case prescribe. Period for repayment of loans under Municipal Corporations Act 1882.

**308.** 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.

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Repeal of  
certain  
provisions  
relating to  
accounts  
and  
revenues.

**309.** As from the first day of April one thousand nine hundred and twenty-six the following enactments are hereby repealed (namely):—

The Oldham Electric Lighting Order 1890—

Section 52 (Application of moneys received):

The Oldham Corporation Act 1899—

Section 53 (Application of revenue):

The Act of 1909—

Section 25 (Application of water revenue);

Section 63 (As to expenses and receipts);

Section 65 (As to reserve fund for electricity undertaking);

Section 75 (Application of gas revenue); and

Section 111 (As to deficiency on water and gas undertakings).

Revenue  
and  
expenses of  
trading  
under-  
takings.

**310.** As from the first day of April one thousand nine hundred and twenty-six all money received by the Corporation on account of the revenue of the following undertakings (namely):—

(1) the tramways undertaking;

(2) the water undertaking;

(3) the gas undertaking;

(4) the electricity undertaking; and

(5) the markets undertaking;

shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

Separate  
accounts in  
respect of  
trading  
under-  
takings.

**311.**—(1) As from the first day of April one thousand nine hundred and twenty-six the Corporation shall keep their accounts so as to distinguish capital from revenue and as regards the revenue accounts to show under a separate heading or division in respect of each of the following undertakings (that is to say) the tramways undertaking the water undertaking the gas undertaking the electricity undertaking and the markets 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):—

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—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The payment of annuities payable in respect of the water and gas undertakings and the requisite provision for redemption of the said annuities;
- (c) The interest on moneys borrowed and applied by the Corporation for the purposes of or connected with the undertaking;
- (d) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed and applied for the purposes of the undertaking;
- (e) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (f) In the case of the gas undertaking an appropriation in relief of the borough rate of an annual sum of four thousand pounds;
- (g) The amount (if any) paid to a reserve fund which the Corporation are hereby authorised to maintain (if the Corporation think fit) in respect of the undertaking by setting aside such an amount 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 the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal in the case of the water undertaking and the gas undertaking and the electricity undertaking respectively to one-tenth of the aggregate capital expended for the time being by the Corporation upon the undertaking which fund shall be applicable to meet 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 any part of the works forming part thereof or

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for any extension of the said works or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens :

Provided that the Corporation may resort to any such fund for the above purposes notwithstanding that the same may not at any time amount to the limit (if any) hereinbefore prescribed :

Provided also that the Corporation may use any moneys for the time being standing to the credit of any such fund as working capital of the undertaking and in such event they shall credit such fund from revenue account under the heading of the undertaking with interest at the rate of three pounds ten shillings per centum per annum during the period of use on so much of the fund as shall be so utilised :

Provided further that—

(a) in the case of the water undertaking when the amount for the time being in the reserve fund shall exceed the sum of twenty-five thousand pounds the sum to be set aside as aforesaid in any one year shall not exceed an amount equal to one-half per centum of the aggregate capital expenditure of that undertaking ;

(b) in the case of the water undertaking and of the gas undertaking respectively whenever the total receipts from revenue in respect thereof shall exceed the total of the payments and expenses on account of revenue in respect thereof as shown by the accounts to be kept in pursuance of this section (including any payments to a reserve fund) an amount equivalent to the amount of such excess shall whenever and so soon as there shall be an amount sufficient for the purpose be applied to the reduction of the water rents for domestic purposes or of the gas charges as the case may

be equally throughout the limits for the supply by the Corporation of water or gas respectively; and

(c) in the case of the electricity undertaking if the total receipts from revenue in respect thereof in any year shall exceed the total of the payments and expenses on account of revenue in respect thereof in that year as shown by the accounts to be kept in pursuance of this section (including any payments to a reserve fund) by an amount exceeding five pounds per centum per annum upon the aggregate capital expenditure of that undertaking the Corporation shall make such reductions or adjustments in the charge for the supply of electrical energy as in their judgment will reduce the excess of the said receipts over the said payments to an amount not exceeding the amount of the said five per centum.

(2) The annual proceeds of such portion of the annuity sinking fund provided in pursuance of the provisions of the *Oldham Corporation Gas and Water Act 1853* as is applicable to the annuities apportioned to the water undertaking and the gas undertaking respectively (notwithstanding anything to the contrary in section 48 of that Act contained) in any year in which the said annual proceeds shall amount to a sum equal to or greater than the annual sum for the time being payable by way of annuities apportioned to those undertakings respectively and the annual proceeds of the reserve fund of each such undertaking when such fund shall for the time being amount to the limit for the time being prescribed therefor shall be credited to the revenue account under the heading of the water undertaking or the gas undertaking as the case may be.

(3) Each of the local authorities within the limits for the supply by the Corporation of water or gas may once in each year after giving reasonable notice to the Corporation inspect the separate accounts relating to the water undertaking or the gas undertaking as the case may be by a person appointed by such local authority for that purpose provided that any such inspection shall be limited to the accounts for the three complete years last preceding the inspection.

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Form of  
accounts.

**312.** Notwithstanding anything contained in this Act the Corporation shall show in their accounts relating to any undertaking or purpose all items (including payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

Apportion-  
ment of  
items.

**313.** 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 either of them any receipts credits payments and liabilities which from time to time it appears to them ought to be so apportioned or carried.

As to  
mortgage of  
revenues of  
Corporation.

**314.**—(1) Any reference in any mortgage or charge granted by the Corporation to the revenue of any undertaking of the Corporation shall be deemed to be a reference to the revenues of the Corporation.

(2) In order to secure the repayment of any money hereafter borrowed by the Corporation under any statutory borrowing power and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

Power to  
grant  
gratuities  
in certain  
cases.

**315.**—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 or the School Teachers' (Superannuation) Act 1918 or any other Act for the time being in force relating to the superannuation of teachers and not entitled to benefits under a scheme established under the Local Government and other Officers Superannuation Act 1922 grant a weekly or other allowance or in lieu thereof a gratuity of any sum (not exceeding two years pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

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

(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who at the date of the passing of this Act is or shall

thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not so provided) or permanently and exclusively employed in any school college or hostel provided by the Corporation for the purposes of higher education under the provisions of the Education Act 1921.

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

Power to subscribe to associations &c.

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

**317.** In addition to any other powers exercisable by them whether as the local education authority or otherwise the Corporation may expend on the provision of lectures on educational or other subjects such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds.

Power to expend money on lectures.

**318.**—(1) Notwithstanding anything in the Municipal Corporations Act 1882 the remuneration for the coroner for the borough may if the Corporation so resolve be by way of salary and not of fees and in the event of the Corporation so resolving the coroner shall receive out of

Remuneration of coroner.

[Ch. xcvi.] *Oldham Corporation* [15 & 16 GEO. 5.]  
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A.D. 1925. — the borough fund such salary as may be from time to time determined by the Corporation and so long as he is paid by salary he shall not be entitled to any fees or other allowance or payment in respect of the performance of his duties as coroner.

(2) This section shall not apply to the person holding at the passing of this Act the office of coroner for the borough save with his written consent.

Expenses of execution of Act.

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

Repeal of certain financial provisions.

**320.** The following enactments and any enactment incorporating or applying the same are hereby repealed :—

The Act of 1865—

Section 317 (Protection of lenders from inquiry);

Section 319 (Power to re-borrow).

The Oldham Corporation Water Act 1875—

Section 40 (Annual return to Local Government Board with respect to sinking fund).

The Act of 1880—

Subsection (4) of section 222 (As to debenture stock);

Section 235 (Annual return to Local Government Board with respect to sinking funds);

Section 236 (Power to re-borrow).

The Oldham Corporation Act 1886—

Section 50 (For the protection of lenders);

Section 54 (Annual return to Local Government Board with respect to sinking funds).

Article IV. of the Oldham Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1891.

The Oldham Corporation Act 1899—

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Section 50 (Annual return to Local Government Board);

Section 54 (Investment of sinking fund in statutory securities).

The Act of 1909—

Section 105 (Power to re-borrow).

## PART XXI.

### MISCELLANEOUS.

**321.** Any fittings let for hire under section 52 (Corporation may supply fittings &c.) of the Act of 1880 shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Corporation and shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

Gas and water fittings let for hire to continue property of Corporation.

Nothing in this section shall affect the amount of assessment for rating of any premises upon which any such fittings are or shall be fixed.

**322.—**(1) The Corporation may from time to time make byelaws—

Byelaws as to pleasure fairs.

(a) for regulating the hours during which pleasure fairs may be open to the public;

(b) for securing safe and adequate means of ingress and egress to the ground upon which any pleasure fair is held;

(c) for the prevention or suppression of nuisance or nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair.

(2) In this section the expression "pleasure fair" means any entertainment which is run for profit and held wholly or mainly in the open air or in tents or other

[Ch. xcvi.] *Oldham Corporation* [15 & 16 GEO. 5.]  
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A.D. 1925. temporary erections and which consists of or includes any or all of the following whether or not in combination with any other forms of entertainment that is to say any travelling circus theatrical performance exhibition of human beings or performing animals merry-go-round roundabout switchback railway cocoa-nut shy hoop-la shooting gallery or swings or any thing similar to any of the foregoing Provided that the said expression does not include any fair held by statute charter royal licence letters patent or ancient custom.

Byelaws  
as to  
cemetery.

**323.** The Corporation shall with respect to any cemetery belonging to them and established under the Burial Acts have the same power of making byelaws as if such cemetery had been established under the Public Health (Interments) Act 1879.

Power to  
hold patent  
rights.

**324.**—(1) The Corporation may acquire hold and exercise such patent and other rights and licences (not being exclusive) as they deem necessary or expedient for or in connection with the purposes of any of their several undertakings powers or duties.

(2) Section 93 (Power to use patented inventions &c.) of the Act of 1865 and subsection (2) (e) of section 56 (As to electric and other lighting &c.) and section 149 (Power to acquire patent rights &c.) of the Act of 1880 are hereby repealed.

Service of  
summons on  
members  
of council.

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

Incorporation of  
provisions  
of Act of  
1909.

**326.** The provisions contained in the sections of the Act of 1909 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if they were re-enacted in this Act (that is to say):—

Section 118 (Persons acting in execution of Act not to be personally liable);

Section 119 (Informations by whom to be laid);

Section 120 (Damages and charges to be settled by court);

Section 122 (Compensation how to be determined);



Section 124 (Consents of Corporation to be in writing); A.D. 1925.

Section 125 (Judges not disqualified);

Section 127 (As to recovery of penalties); and

Section 128 (Saving for indictments &c.).

**327.**—(1) Where under the provisions of any local Act from time to time in force within the borough 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 those Acts or any of them 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 between different owners.

(2) Section 22 (Apportionment of expenses in case of joint owners) of the Oldham Corporation Act 1900 and section 89 (Apportionment of expense of sanitary works between different owners) of the Act of 1909 are hereby repealed.

**328.** Save where otherwise provided by this Act the provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act. Provided that as respects byelaws made under the section of this Act of which the marginal note is "Byelaws as to pleasure fairs" the Secretary of State shall be substituted for the Minister of Health.

Confirmation of byelaws.

**329.** The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of Part XI. (Streets and buildings) Part XII. (Sewers and drains) Part XIII. (Infectious disease) Part XIV. (Sanitary provisions) and Part XV. (Human food) of this Act as if those purposes had been mentioned in the said section 102.

Power to enter premises.

**330.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the Corporation under any enactment from time to time in force within the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of

Evidence of appointments authority &c.

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any committee of the Corporation or to prove any resolution or order of the Corporation or any resolution order or report of any committee of the Corporation a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Effect of breach of conditions attached to consent.

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

Summons or warrant may contain several sums.

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

Authentication and service of notices &c.

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

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

(3) Section 247 (Authentication proof and service of orders and notices) of the Act of 1880 is hereby repealed.

**334.** If the occupier of any house or part of a house or any lands shall prevent the owner thereof from carrying into effect any requirement of the Corporation under or in pursuance of Parts XI. XII. XIII. and XIV. of this Act or Parts VIII. and IX. of the Act of 1909 then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

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—  
Penalty on  
occupiers  
refusing  
execution  
of Act.

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

Recovery  
of demands  
in county  
court.

**336.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part XI. (Streets and buildings) Part XII. (Sewers and drains) Part XIII (Infectious disease) Part XIV. (Sanitary provisions) Part XV. (Human food) and Part XVI. (Maternity homes) of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court 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 or a petty sessional court the Corporation may in like manner appeal.

As to  
appeals.

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Inquiries  
by Minister  
of Health.

**337.**—(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 said inspectors shall for the purposes of any such inquiry have all such powers as inspectors of the Minister of Health have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

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

(3) Section 45 (Inquiries by Local Government Board) of the Oldham Corporation Act 1900 shall be read and have effect as if the Minister of Health were referred to therein in lieu of the Local Government Board and as if the words "not exceeding five guineas a day" were inserted therein in lieu of the words "not exceeding three guineas a day."

Inquiries by  
Minister of  
Transport.

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

Powers of  
Act  
cumulative.

**339.** 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. A.D. 1925.

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

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

A.D. 1925. The SCHEDULES referred to in the foregoing  
Act.

FIRST SCHEDULE.

PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN  
COMPULSORILY.

No. on deposited Plan.	Description of Property in Book of Reference.
19	Yard.
39	Buildings steps and frontage.
51	Out-building.
53	Shop areas and strip of land.
59	Yard billposting station and sewer.
63	Garden and steps.
68	Yard passage sewer gas pipes and water pipes.
72	Yard and out-building.
77	Public house yard and out-building.
78	Yard and out-building.
81	Yard and out-buildings.
82	Yard.
84	Passage drains gas pipes and water pipes.
94	Strip of land and out-buildings.
99 to 103 inclusive	Garden and steps.
104	Strip of land.
105 to 108 inclusive	Garden and steps.
109	Garden.
110	Garden and carriage drive.
117	Road and garden.
118	Meter box garden footpath and steps.
119	Footpath and steps.
120 to 123 inclusive	Garden and steps.
125 to 145 inclusive	Garden and steps.
146	Passage and office.
151	Yard and out-buildings.
152	Yard.
153	House and garden.

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No. on deposited Plan.	Description of Property in Book of Reference.
199	Out-building and strip of land.
217	Stable and billposting station.
218	Yard and billposting station.
219	Store room.
220	Warehouse and workshop and billposting station.
222	Store room.
224	Yard.
225	Warehouse and billposting station.
227	Strip of land areas and steps.
228	Forecourt and strip of land.
229 to 245 inclusive	Garden.
246	Strip of land and steps.
247 to 267 inclusive	Garden.
268	Strip of land.
269 to 278 inclusive	Garden.
279	Strip of land and area.
280 to 297 inclusive	Garden.
299 to 315 inclusive	Garden.
316	Strip of land.
327	Vacant land and out-buildings.
339	Garden and out-building.
340	Garden.
341 to 344 inclusive	Garden and footpath.
351	Yard occupation road footpath steps out-buildings gas pipes water pipes drains posts and wires.
371	Yard and out-building.
377	Shop.
379	Yard and out-buildings.
397 and 398	Strip of land.
403 and 404	Strip of land.
405	Strip of land and steps.
408	Yard and out-buildings.
409 to 412 inclusive	Strip of land.
413	Strip of land and billposting station.
422	Yard and outbuildings.

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SECOND SCHEDULE.

TRAMWAYS.

PART I. CONSTRUCTED AT THE PASSING OF THIS ACT.

Tramway No.	Description of the Tramways and of the Streets along which the same are laid.	Length excluding Cross-overs Sidings and Junctions.					
		Double track.			Single track.		
		m.	f.	chs.	m.	f.	chs.
1	From the borough boundary Hollinwood to the borough boundary in Huddersfield Road Waterhead by way of Manchester Road Manchester Street Market Place High Street Yorkshire Street Mumps and Bottom o' th' Moor - -	3	6	9.81	1		4.55
2	From Manchester Street (junction with No. 1) to Yorkshire Street (junction with No. 1) by way of Crossbank Street Union Street West and Union Street	4		9.18	1		7.43
3	From the borough boundary in Rochdale Road Oldham to the borough boundary in Ashton Road Hathershaw by way of Rochdale Road St. Domingo Street King Street and Ashton Road - - -	2	0	9.77	1		8.36
4	From Rochdale Road (junction with No. 3) to Manchester Road (junction with No. 1) by way of Featherstall Road North and Featherstall Road South -	3		4.82	6		0.41
5	From the borough boundary in Chadderton Road to Market Place (junction with No. 1) by way of Chadderton Road Barker Street and Henshaw Street	2		7.87	4		4.89
6	From the borough boundary in Middleton Road to St. Domingo Street (junction with No. 3) by way of Middleton Road - -	1		5.36	3		6.27
7	From Middleton Road (junction with No. 6) to Rochdale Road (junction with No. 3) - - -			—			1.90
8	From Manchester Road (junction with No. 1) to Ashton Road (junction with No. 3) by way of Hollins Road and Copsterhill Road - - - - -	4		2.40	1	1	6.40



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Tramway No.	Description of the Tramways and of the Streets along which the same are laid.	Length excluding Cross-overs Sidings and Junctions.					
		Double track.			Single track.		
		m.	f.	chs.	m.	f.	chs.
9	From Union Street West (junction with Lee Street) to Crossbank Street (junction with No. 2) - - - - -			6.00			5.86
10	From King Street (junction with No. 3) to Lees Road (junction with No. 12) by way of Park Road and Glodwick Road -	4		4.13	7		5.18
11	From Bottom o' th' Moor (junction with No. 1) to the borough boundary at Higginshaw by way of Shaw Road - -	2		4.78	4		3.53
12	From Mumps (junction with No. 1) to the borough boundary at Leesbrook by way of Lees Road	3		5.26	5		2.18
13	From Huddersfield Road (junction with No. 1) to Moorside (near Moorside Hotel) by way of Ripponden Road - -	3		2.34	7		4.12
14	From Featherstall Road (junction with No. 4) to Manchester Road (junction with No. 1) -			2.00			—
15	From King Street (junction with No. 3) to Market Place (junction with No. 1) by way of George Street - - - -	1		0.26			6.22
16	From George Street (junction with No. 15) to Market Place (junction with No. 1) - -			0.91			0.54
17	From Middleton Road (junction with No. 6) to Henshaw Street (junction with No. 5) by way of West Street - - - -			6.45			6.50
18	From Moorside near Moorside Hotel (junction with No. 13) to the borough boundary at Grains Bar by way of Ripponden Road - - - -	2		6.00	5		0.11
	Total - - - -	10	3	7.34	7	4	4.45

Total reduced to single track.  
28 miles 3 furlongs 9.13 chains.

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A.D. 1925. PART II. AUTHORISED TO BE CONSTRUCTED AT THE PASSING OF THIS ACT.

Tramway No.	Short description of the Tramway and of the Streets along which the same is proposed to be laid.	Length excluding Cross-overs and Sidings.					
		Double track.		Single track.			
		m.	f.	chs.	m.	f.	chs.
1	As first authorised by the Oldham and Chadderton Tramways Order 1919 From the borough boundary in Oxford Street to Manchester Road (junction with existing Tramway No. 1 in Part I. of this schedule described) by way of Oxford Street			9.40	1		8.44

Total reduced to single track.  
3 furlongs 7.24 chains.

THIRD SCHEDULE.

MAXIMUM RATES AND CHARGES FOR ANIMALS GOODS & C:

ANIMALS.	Per Mile.	
	s.	d.
For every horse mule or other beast of draught or burden	0	3
For every ox cow bull or head of cattle	0	3
For calves pigs sheep and small animals	0	2

GOODS AND MINERALS.

For all coals culm cannel limestone chalk lime slates clay ironstone undressed or scabbled stones for building pitching and paving slag stone salt sand cinders and all undressed materials for the repair of public roads per ton	0	3
For all iron pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron wrought iron not otherwise specially classed herein and for heavy iron castings (including railway chairs) tiles bricks coke charcoal dung manure and compost per ton	0	4
For all timber or wood per ton	0	3

	Per Mile.	A.D. 1925.
	<i>s. d.</i>	—
For all sugar grain corn flour hides dyewoods earthenware staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton	0 5	
For all cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things per ton	0 6	
For every carriage of whatever description	1 0	

Any  
Distance.  
*s. d.*

SMALL PARCELS.

For any parcel not exceeding in weight seven pounds	0 4
For any parcel exceeding seven and not exceeding twenty pounds in weight	0 6
For any parcel exceeding twenty but not exceeding twenty-eight pounds in weight	0 8
For any parcel exceeding twenty-eight but not exceeding forty-two pounds in weight	0 10
For any parcel exceeding forty-two but not exceeding fifty-six pounds in weight	1 0
For any parcel exceeding fifty-six but not exceeding seventy pounds in weight	1 3
For any parcel exceeding seventy but not exceeding eighty-four pounds in weight	1 6
For any parcel exceeding eighty-four but not exceeding ninety-eight pounds in weight	1 9
For any parcel exceeding ninety-eight but not exceeding one hundred and twelve pounds in weight	2 0
For any parcel exceeding one hundred and twelve but not exceeding five hundred pounds in weight the Corporation may demand any sum they think proper.	

SINGLE ARTICLES OF GREAT WEIGHT.

For any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons per ton	3 0
For any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons the Corporation may demand such sum as they think fit.	

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REGULATIONS AS TO RATES.

(a) In respect of animals goods and minerals conveyed for any less distance than three miles rates and charges may be demanded and taken as for three miles.

(b) For a fraction of a mile beyond three miles or beyond any greater number of miles rates and charges may be demanded and taken for animals goods and minerals for such fraction in proportion to the numbers of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile.

(c) For a fraction of a ton rates and charges may be demanded and taken according to the numbers of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

(d) With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight.

(e) With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

(f) Articles sent in large aggregate quantities although made up of separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but such term shall apply only to single parcels in separate packages.

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FOURTH SCHEDULE.

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RETURN OF RENT OR ANNUAL VALUE AND OF OTHER PARTICULARS TO BE RENDERED UNDER THE OLDHAM CORPORATION ACT 1925.

<p>1. Name of the street or road &amp;c. in which the property is situate -                  Number of the house - - - -                  (If not numbered state the name by which known.)                  Whether occupied with or without stables or other premises as part of the same property - - - -                  The quantity of land (if any) and how used. - - - -</p>	
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A.D. 1925.

<p>2. Full Christian name and surname  of occupier - - - -</p>	
<p>3. Name and address of owner or  immediate lessor - - - -  (If not known state the name and  address of the agent or person to  whom the rent is paid.)</p>	
<p>4. Whether the property is occupied—  (a) Wholly as a private resi-  dence - - - - (a)  or (b) Partly as a dwelling-house  and partly for trade or  business purposes - - - (b)  or (c) Solely for trade or business  purposes with no person  residing on the premises  other than a caretaker - - (c)  (Number of rooms set apart for the  use of the caretaker (if any) and  on which floor.)  (d) Nature of the business (if any) - (d)</p>	
<p>5. If the occupation is in respect of  part only of a house or premises  state the extent and on which  floor or floors - - - -</p>	
<p>6. Amount of rent - - - -  or if ground rent only is paid state  its amount - - - -</p>	<p>£ per  £ per</p>
<p>7. Whether the property is held under  lease or agreement for a period  of years - - - -  or by the year quarter month or  week - - - -</p>	

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<p>8. (a) Date of commencement of term of lease or agreement - - - - - (b) Term of years for which granted (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - - (If none insert "None.")</p>	<p>(a) (b) (c) Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated <i>i.e.</i> the amount at which the property is worth to be let by the year the owner keeping it in repair - - - - -</p>	<p>} Annual Value £</p>
<p>10. (a) Amount of land tax (if any) - (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.

A.D. 1925.

FIFTH SCHEDULE.

FORM OF MORTGAGE.

COUNTY BOROUGH OF OLDHAM.

By virtue of the Oldham Corporation Act 1925 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the county borough of Oldham (hereinafter referred to as "the Corporation") in consideration of the sum of \_\_\_\_\_ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by

(hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation (which expression includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation) as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of \_\_\_\_\_ per centum per annum from the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ until payment of the principal sum such interest to be paid half-yearly on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year And it is hereby agreed that the principal sum shall be repaid at the town hall in the said borough [(subject as hereinafter provided) on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ ] [by \_\_\_\_\_ ]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the mayor or the town clerk of the borough for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated

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A.D. 1925. herewith and shall operate and take effect as though they had  
— been originally inserted herein.

In witness whereof the Corporation have caused their cor-  
porate seal to be hereunto affixed this day of  
one thousand nine hundred and

Mayor.  
Town Clerk.

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named  
consenting the within-mentioned time for repayment of the  
within-mentioned principal sum of  
is hereby extended to the day of  
one thousand nine hundred and [and the  
interest to be paid thereon on and from the  
day of one thousand nine hundred and  
is hereby declared to be at the rate of  
per centum per annum].

Dated this day of one  
thousand nine hundred and

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] [of  
] in  
consideration of the sum of  
pounds paid to me by  
of  
(hereinafter referred to as "the transferee") do hereby transfer  
to the transferee [his] executors administrators and assigns [the  
within-written security] [the mortgage number  
of the revenues of the mayor aldermen and burgesses of the  
county borough of Oldham bearing date the day of  
] and all my right and interest under the same  
subject to the several conditions on which I hold the same at  
the time of the execution hereof and I the transferee for myself  
my executors administrators and assigns do hereby agree to take  
the said mortgage security subject to the same conditions.

Dated this day of one  
thousand nine hundred and

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