



CHAPTER xvii.

An Act to provide for the consolidation with amendments of the local Acts and Orders in force in the Matlocks Urban District and for other purposes. A.D. 1927.
[29th June 1927.]

WHEREAS the Matlocks Urban District in the county of Derby (in this Act referred to as "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Matlocks Urban District Council (in this Act referred to as "the Council"):

And whereas prior to the creation of the district on the first day of October one thousand nine hundred and twenty-four under and by virtue of the Derbyshire (The Matlocks Urban District) Confirmation Order 1924 (in this Act referred to as "the Amalgamation Order") being an Order made by the county council of Derby under section 57 of the Local Government Act 1894 and confirmed by the Minister of Health on the seventh day of August one thousand nine hundred and twenty-four the area thereof was comprised within the districts of the Matlock Urban District Council the Matlock Bath and Scarthin Nick Urban District Council (in this Act referred to as "the Matlock Council" and "the Matlock Bath Council" respectively) and within the parishes of Cromford and Tansley in the rural district of Bakewell:

And whereas it was (inter alia) provided by the Amalgamation Order that (i) on the day of the first

A.D. 1927. meeting of the Council and subject to the provisions of the said Order the Matlock Council and the Matlock Bath Council should cease to exist and that all powers duties rights property and liabilities which were vested in or attached to either of the said Councils should by virtue of the Order be transferred to vest in and attach to the Council and (ii) the Bakewell Rural District Council should cease to exercise any powers or discharge any duties within any part of the said parishes of Cromford and Tansley and that all property and liabilities which immediately before the said first day of October one thousand nine hundred and twenty-four were vested in or attached to the said Bakewell Rural District Council in relation exclusively to either of the said parishes or any part thereof should be transferred to and vest in and attach to the Council but that (iii) subject to the provisions of the said Order the provisions of any local Act or Act for the confirmation of a Provisional Order which extended to either the Matlock Council or the Matlock Bath Council or the districts of those Councils should continue to apply to the area to which such Act applied immediately before the said first day of October one thousand nine hundred and twenty-four with the substitution of a reference to the Council for any reference therein to either the Matlock Council or the Matlock Bath Council :

And whereas it was also provided by the Amalgamation Order that the Council should within a period of two years after the first day of October one thousand nine hundred and twenty-four apply to the Minister of Health for a Provisional Order under section 303 of the Public Health Act 1875 for the repeal alteration or amendment of the local Acts or Acts for the confirmation of Provisional Orders in force in the district or should within the period aforesaid promote a Bill in Parliament for the consolidation and amendment of such Acts :

And whereas some of the provisions of the said local Acts and Orders have been superseded by subsequent legislation and ought to be repealed and it would be of local and public advantage if such of the provisions of the said Acts and Orders as it is deemed expedient to retain were consolidated with certain amendments additions and extensions into one Act and made applicable throughout the district :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament : A.D. 1927.

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

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

PART I.

PRELIMINARY.

1. This Act may be cited as the *Matlocks Urban District Council Act 1927.* Short title.

2.—(1) This Act shall come into operation on the first day of April nineteen hundred and twenty-eight except the provisions relating to tramways gas water and mineral rights and to the borrowing of money and so much of Part XIII (Miscellaneous) and Part XIV (Repeal) as relates thereto all of which provisions shall come into operation on the date of the passing of this Act : Commence-
ment of
operation
of Act and
new bye-
laws.

Provided that the provisions of Part IV (Gas) and Part V (Water) the operation of which is postponed under those Parts respectively until the dates specified therein shall together with so much of Part XIII (Miscellaneous) and Part XIV (Repeal) as relates thereto come into operation on the dates so specified.

(2) In order that new byelaws (including byelaws made under the powers of this Act) may be confirmed on and operate as from the said first day of April nineteen hundred and twenty-eight 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 district shall be valid and effectual notwithstanding that at the time such notices are given or proceedings taken the provisions of this Act are not in operation and statutory enactments may be in force dealing with the subject matter of the byelaws.

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Division
of Act into
Parts.

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

- Part I.—Preliminary.
- Part II.—Area wards and rates.
- Part III.—Tramways.
- Part IV.—Gas.
- Part V.—Water.
- Part VI.—Mineral rights.
- Part VII.—Town hall and public buildings.
- Part VIII.—Pavilion pump room parks and recreation grounds.
- Part IX.—Lands.
- Part X.—Streets buildings sewers and drains.
- Part XI.—Sanitary.
- Part XII.—Finance.
- Part XIII.—Miscellaneous.
- Part XIV.—Repeal.

Limits of
Act.

4. The limits of this Act shall save as otherwise in this Act expressed or implied be the district.

Incorporation of
Acts.

5. The following Acts and parts of Acts are hereby (save so far as any of their provisions are expressly excepted or varied by this Act) incorporated with this Act and for the purpose of such incorporated Acts this Act shall be deemed to be the special Act within the meaning of any such Acts and “the Undertakers” or “the Company” where used in those Acts shall mean the Council (that is to say) :—

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the taking of lands otherwise than by agreement;

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 tram
“ ways and to demand and take tolls and
“ charges in respect of the use of such
“ carriages ” were omitted from that section;

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and section 38) Provided that section 13 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Council shall be alike in terms and amount under like circumstances and for the same purposes to all consumers" were added at the end of that section; A.D. 1927.

The Gasworks Clauses Act 1871 (except sections 7 and 35 thereof);

The Waterworks Clauses Acts 1847 and 1863 except—

(a) The words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847;

(b) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts.

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

"The commencement of this Act" means as regards any provision of this Act the day on which such provision comes into operation in pursuance of the provisions of the section of this Act of which the marginal note is "Commencement of operation of Act and new byelaws";

"The district" means the Matlocks Urban District in the county of Derby;

"The Council" means the urban district council of the district;

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- “ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same ;
- “ The Amalgamation Order ” means the Derbyshire (The Matlocks Urban District) Confirmation Order 1924 ;
- “ The Act of 1852 ” means the Derbyshire Mining Customs and Mineral Courts Act 1852 ;
- “ The Act of 1910 ” means the Matlock Bath and Scarthin Nick Urban District Council Act 1910 ;
- “ The Matlock Council ” and “ the Matlock Bath Council ” mean respectively the Matlock Urban District Council and the Matlock Bath and Scarthin Nick Urban District Council whose rights interests powers property privileges liabilities and obligations were vested in or attached to the council by the Amalgamation Order ;
- “ The county council ” means the county council for the administrative county of Derby ;
- “ The clerk ” “ the treasurer ” “ the surveyor ” “ the medical officer ” and “ the sanitary inspector ” mean respectively the clerk the treasurer the surveyor the medical officer of health and any sanitary inspector of the district and respectively include any persons duly authorised to discharge temporarily the duties of those officers ;
- “ The tramways ” means the tramways shortly described in the First Schedule to this Act ;
- “ The tramways undertaking ” includes the tramways of the Council and also all lands buildings stations machinery appliances apparatus rights powers and privileges for the time being belonging to the Council or held or used or enjoyed by them for or in relation to or in connection with the said tramways ;
- “ Cable power ” means power applied by means of wire ropes placed underground and worked by stationary engine power upon the system known as the continuous conduit system of cable tramways or such other system as may from

time to time be approved by the Minister of A.D. 1927,
Transport;

“Mechanical power” includes steam cable electrical and every other motive power not being animal power;

“Engine” includes motor;

“The gas undertaking” includes all lands properties works buildings machinery plant mains apparatus appliances easements rights powers and privileges for the time being belonging to or held or used or enjoyed by the Council for or in relation to or in connection with the supply of gas by them;

“The gas limits” means the limits within which for the time being the Council are by this Act or shall be authorised to supply gas;

“The water undertaking” includes all lands properties reservoirs wells boreholes aqueducts tunnels conduits streams of water works buildings machinery plant mains apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Council for or in relation to or in connection with waterworks or the diversion collection storage protection or distribution of water or otherwise for or in relation to or in connection with the supply of water by them;

“The water limits” means the limits within which for the time being the Council are or shall be authorised to supply water;

“The existing waterworks” means the waterworks of the Council as the same exist immediately prior to the commencement of this Act;

“Trading undertakings” means the tramways undertaking the gas undertaking the water undertaking and the entertainments undertaking of the Council as for the time being authorised;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

“The Matlock Bath enclosed parks” means the parks which are described in paragraphs (a) (b) (c) and (d) of the Fourth Schedule to this Act;

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“ Park ” includes any public park pleasure ground recreation ground or public walk (including the Matlock Bath enclosed parks);

“ The district fund ” and “ the general district rate ” mean respectively the district fund and the general district rate of the district and shall after the date on which the first new valuation list made under Part II of the Rating and Valuation Act 1925 for the district comes into operation be construed as referring to the “ general rate fund ” and “ general rate ” as defined or referred to in that Act;

“ 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 public or local passed or to be passed or any Provisional Order confirmed by Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

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

“ Revenues of the Council ” includes the revenues of the Council from time to time arising from

any land undertakings or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council;

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

7. The provisions of the Infectious Disease (Prevention) Act 1890 and Parts II III IV and V of the Public Health Acts Amendment Act 1890 (except section 19 of such last-mentioned Act) which are now in operation shall continue to be in force in the district.

Adoptive
Acts.

8.—(1) Subject to the provisions of this Act and any Order which the Minister of Health or the Secretary of State may hereafter make the following provisions of the Public Health Acts Amendment Act 1907 with the additions set forth in the proviso to this subsection shall be in force in the district (that is to say):—

Application
of Public
Health Act
1907.

Part II (Streets and buildings) Sections 16 23 24
25 31 32 and 33.

Part III (Sanitary provisions) Sections 36 37 43
47 and 48.

Part VI (Recreation grounds).

Part VII (Police) Sections 81 and 84.

Part IX (Sky signs).

Part X (Miscellaneous) Section 95 :

Provided that the said provisions in their application to the district shall have effect as if the following were added to and formed part of section 25 of the said Act—

“The power of making or enforcing byelaws under section 157 of the Public Health Act 1875 as extended by section 23 of the Public Health Acts Amendment Act 1890 with respect to the paving of yards and open spaces in connection with dwelling-houses shall cease to be exerciseable.”

(2) Section 32 (Hoardings to be securely erected) shall have effect within the district as if the words “or
“ is so near to any street that it might if not supported
“ fall thereon ” were inserted after the words “ adjoining
any street ” in subsection (1) thereof.

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(3) Section 43 (Local authority may require removal or alteration of urinals) of the Public Health Acts Amendment Act 1907 shall have effect within the district as if the words "or to make structural alterations thereto" were inserted after the words "to remove it" in subsection (1) thereof.

(4) The order of the Minister of Health dated the eleventh day of May nineteen hundred and twenty-seven declaring section 25 of the Public Health Acts Amendment Act 1907 to be in force within the district is hereby annulled and such annulment shall be deemed to be the repeal of an enactment for the purposes of the Interpretation Act 1889.

PART II.

AREA WARDS AND RATES.

Area of district.

9. The area of the district shall continue to be the area which was immediately before the coming into operation of the Amalgamation Order comprised in the urban districts of Matlock and Matlock Bath and Scarthin Nick and in the parishes of Cromford and Tansley.

Division of district into wards and number of urban district councillors.

10.—(1) Subject to the provisions of the Local Government Act 1888 the district shall for the purpose of the election of urban district councillors be divided and continue to be divided into the four wards existing at the commencement of this Act and having the names hereunder set out and the area of each such ward shall be the same as that of the parish of the same name as the same was constituted immediately before the operation of the Amalgamation Order viz. Cromford Ward Matlock Ward Matlock Bath Ward and Tansley Ward.

(2) Subject to the provisions of the Local Government Act 1888 the number of urban district councillors for the district shall be and continue to be fifteen and the number of councillors to be elected for each ward shall be as follows (viz.) :—

Cromford Ward	-	-	-	-	1
Matlock Ward	-	-	-	-	9
Matlock Bath Ward	-	-	-	-	4
Tansley Ward	-	-	-	-	1
					—
					15
					—

11.—(1) During the remainder of the period of fifteen years from the first day of October nineteen hundred and twenty-four the total amount in the pound of the general district rates to be levied by the Council in each year commencing on the first day of October in respect of any hereditament situate or arising in—

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Differential
rating.

(a) the parish of Cromford shall be less by two shillings and eightpence in the pound; and

(b) the parish of Tansley shall be less by three shillings and tenpence in the pound;

than the total amount in the pound of the general district rates to be levied by the Council in the same year in respect of hereditaments situate or arising in the parishes of Matlock and Matlock Bath.

(2) If the Council shall provide a sufficient water supply for the parish of Cromford the relief from general district rates afforded to that parish by subsection (1) of this section shall in each year be reduced by the sum of sixpence in the pound.

(3) If the Council shall provide a sufficient water supply for the parish of Tansley the relief from general district rates afforded to that parish by subsection (1) of this section shall in each year be reduced by the sum of sixpence in the pound.

(4) If the Council shall provide a sufficient system of sewerage and sewage disposal for the parish of Tansley the relief from general district rates afforded to that parish by subsection (1) of this section shall in each year be reduced by the sum of two shillings in the pound.

(5) Any reduction of the relief from general district rates afforded to the parish of Cromford or the parish of Tansley by reason of the provision of a sufficient water supply or system of sewerage and sewage disposal shall take effect on the first day of October following such provision by the Council.

(6) For the purposes of this section the expressions "a sufficient water supply" and "a sufficient system of sewerage and sewage disposal" mean a water supply and system of sewerage and sewage disposal which in the opinion of the county council is reasonably sufficient to meet the requirements of the parish and if any question shall arise whether for the purposes of this section a sufficient water supply or a sufficient system of sewerage

A.D. 1927. — and sewage disposal has been provided by the Council that question shall be decided by the county council.

PART III.

TRAMWAYS.

Tramways undertaking to continue vested in Council.

12. The tramways undertaking as it exists and as it is used and enjoyed by the Council at the commencement of this Act shall subject to the provisions of this Act be and continue vested in the Council and be held and enjoyed by them.

Power to Council to work tramways.

13. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council 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 maintain work and use 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 said tramways by animal or by mechanical power but nothing in this section shall empower the Council to construct any station for generating electrical power or to create or permit a nuisance or to manufacture any such plant appliances and conveniences required for the working or user of the tramways.

Reconstruction of tramways electrical works &c.

14.—(1) Subject to the provisions of this Act the Council may reconstruct and make such alterations in the tramways as may be necessary or expedient for adapting the same to be worked by mechanical power other than cable power and they 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 connect the tramways with any generating station within the district or other source within the district from which a supply of electrical energy for the purpose of working the tramways may lawfully be taken by the Council construct lay down erect maintain renew and repair electric wires conductors poles 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 : A.D. 1927.
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Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport and that before reconstructing or altering the tramways the Council shall submit plans of the proposals to the said Minister for approval and that the tramways shall be reconstructed or altered only in accordance with those plans as approved by the said Minister.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(3) The tramways as reconstructed or altered under the provisions of this section shall not be opened for public traffic until the same shall have been inspected by an officer appointed by the Minister of Transport and certified to be fit for such traffic.

15.—(1) The tramways shall be constructed and maintained on a gauge of three feet six 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) If and so long as the tramways are maintained on a gauge less 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 used on the tramways shall exceed six feet three inches in width or such other width as may from time to time be prescribed by the Minister of Transport.

16. The rails of the tramways shall be such as the Minister of Transport may approve. Rails of tramways.

17. In addition to the requirements of section 26 of the Tramways Act 1870 the Council shall lay before the Minister of Transport and the road authority a plan Plan of proposed mode of renewal &c.

A.D. 1927. — showing the proposed mode of renewing the tramways and a statement of the materials intended to be used therein and the Council shall not commence the 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 and to the reasonable satisfaction of the road authority as provided by section 26 of the said Act.

Penalty for not maintaining rails and roads in good condition.

18.—(1) The Council 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 Council 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 or by twenty inhabitant ratepayers of the district that the Council 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 liability of the Council 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.

19. If and whenever after the commencement of this Act any 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 Council 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.

Power to make additional

20.—(1) The Council may subject to the provisions of this Act with the consent of the Minister of Transport

make maintain alter and remove such cross-overs passing-places sidings junctions and other works as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Council or their lessees or licensees.

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cross-overs
and to
double
tramway
lines.

(2) The Council may with the consent of the Minister of Transport lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent at any time alter the position in the road of any of the tramways or any part thereof.

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

21. Where in any road in which a double line of tramway is laid there is 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 Council 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 means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Cross-overs
to be con-
structed in
certain
cases.

22. 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 Council be expedient temporarily to remove or discontinue the use of that tramway

Temporary
tramways
may be
made when
necessary.

A.D. 1927. or any part thereof the Council 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 the tramway so removed or discontinued.

If any difference arises between the Council 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.

Power to
remove
existing
tramways
and utilise
materials.

23. In reconstructing the tramways or any of them
the Council may take up and remove the tramways so
to be reconstructed or any of them and may discontinue
and suspend the traffic thereon for such period as may be
necessary for reconstructing the tramways or any of
them and may sell dispose of or utilise in such recon-
struction all or any of the materials now forming the
tramways so to be reconstructed or any of them.

Stopping
of roads
during
execution
of work.

24. Subject to the provisions of this Act the Council
may during the reconstruction of the tramways stop up
temporarily the carriageway or footway of any road or
bridge as they think necessary and for that purpose may
put up bars posts and other erections and prevent all
persons other than those bonâ fide going to or returning
from any house in the street from passing along and using
the same for any reasonable time but convenient access
to the houses in such street shall be provided by the
Council.

Provisions
as to motive
power.

25. 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 Part of 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

such mechanical power on the tramways and for regulating the use of electrical power :

- (3) The Council or any company or person using any such 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 further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :
- (4) The Minister of Transport if he is of opinion—
- (a) that the Council or any 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 Part of this Act is a danger to the passengers or the public;
- may by order either direct the Council 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 Council 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 :
- (5) Subject to the foregoing provisions of this section the carriages on the tramways may be moved by cable power subject to the regulations with respect to the use of cable power made by the Minister of Transport and in force at the commencement of this Act which regulations are set forth in the Second Schedule to this Act or such other regulations with respect to the use of cable power as the said Minister may from time to time make in exercise of the powers conferred by subsection (2) of this section.

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Special
provisions
as to use
of electrical
power.

26. 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 :—

- (1) The Council shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Council 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 the tramways 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 Ministry of Transport regulations and in such regulations provisions 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 Council shall be deemed to take all reasonable 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 Council 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 Minister shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking : A.D. 1927.

- (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 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 Council 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 the option of the Minister by an arbitrator to be appointed by the Minister 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 " Council " in this section shall include lessees licensees and any person owning working or running carriages over any of the tramways.

27.—(a) Notwithstanding anything in this Act contained if any of the works in connection with the tramways 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 protection of Postmaster-General.

(b) In the event of the tramways being worked by electricity the following provisions shall have effect :—

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

A.D. 1927.
—

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 Council 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 Council of their electric lines and works or by the working of the tramways undertaken by the Council 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 Council 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 Council 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 Council 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 Council is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Council's works or to the working of their

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 used by or supplied to the Council enter into any of the Council's works for the purpose of inspecting the Council's plant and the working of the same and the Council 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 Council pursuant to the Ministry of Transport regulations :

- (5) In the event of any contravention of or wilful non-compliance with this section by the Council or their agents the Council 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 Council or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in

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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 Council 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 Council by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Council" includes their lessees and any person owning working or running carriages on the tramways.

Use of
tramway
posts by
Postmaster-
General.

28.—(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 Council 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 :
- (b) The Postmaster-General shall give to the Council 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 :

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- (c) Unless otherwise agreed between the Postmaster-General and the Council 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 Council or by any regulations which may from time to time be made by the Ministry of Transport arising through the exercise by the Postmaster-General of the powers conferred by this section :
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided :
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by

A.D. 1927.
—

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 Council 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 Council 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 Council 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 Council or failing agreement determined as hereinafter provided :
- (i) The Council 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 Council of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Council their officers or servants :
- (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph

supported thereby or at his option retain the post standard or bracket and pay the Council the value of the same. Provided that if the Council 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.

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(2) Nothing in this section contained shall prevent the Council 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 Council 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 "Council" 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.

29. The Council shall not exhibit or permit the exhibition of advertisements on any posts or standards of the Council erected in any streets other than advertisements relating to the service of the tramways or for the exhibition of which no consideration is paid. In case of any contravention of the provisions of the section the Council shall be liable to a penalty not exceeding five pounds.

Posts not to be used for advertisements.

30. The Council on the one hand and any local authority company or person having power to supply electrical energy on the other hand may enter into and carry into effect agreements for or with respect to all

Agreements as to supply of electrical energy for

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A.D. 1927. or any of the following purposes and all matters incidental thereto (that is to say) :—

—
tramways
purposes.

(1) The supply to the Council by the local authority company or person of electrical energy for working any of the tramways which may for the time being be worked by the Council by electrical power under the provisions of this Part of this Act Provided that any supply of electrical energy by any such local authority company or person to the Council shall be subject to the provisions of the respective Acts or Orders under which such local authority company or person may be empowered to supply electrical energy :

(2) The payments to be made or other consideration to be given in respect of any such supply.

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

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

Power to
attach
brackets to
buildings.

32. The Council may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power Provided that—

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

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be

in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

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—

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

For the purposes 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.

33.—(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):—

Tramway
byelaws.

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages;

For regulating the emission of smoke or steam from engines used on the tramways;

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;

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;

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

A.D. 1927.

by exhibition of the same in conspicuous places on the carriages and elsewhere;

For limiting in the case of any of the tramways which may for the time being be worked by the Council by cable power the number of carriages to be drawn or propelled together.

(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.

Regulations
by Council.

34. 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 of the tramways or portions of tramways for the time being belonging to and worked by the Council be made by the Council alone.

Byelaws
by local
authority.

35. 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 byelaw sanctioning a higher rate of speed than that authorised by any regulation of the Minister of Transport but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Fares and
charges.

36.—(1) The Council may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to the conveyance of such passenger a fare not exceeding threepence either way.

(2) 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 all such personal luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat required for a passenger nor to be of a form or description to annoy or inconvenience other passengers.

(3) The Council may if they think fit convey on the tramways small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any dog to be a sum not exceeding the

fare payable by the passenger but as from the commencement of this Act they shall not carry any other goods or animals or minerals. A.D. 1927.

37.—(1) The Council at all times shall if required so to do by the Minister of Transport run at least one carriage each way every morning in the week and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Council think most convenient for artisans mechanics and daily labourers at a fare not exceeding one penny. Cheap fares for labouring classes.

(2) If any complaint is made to the Minister of Transport as to the hours appointed by the Council for the running of such carriages the Minister shall have power to fix and regulate the same from time to time.

38. The Council may demand and take for the conveyance of small parcels on the tramways including every expense incidental to the conveyance any rates not exceeding the rates following:— Small parcels.

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence:

Provided always that no parcel shall exceed the weight of fifty-six pounds and that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed parcels but that term shall apply only to single parcels in separate packages.

39. It shall not be lawful for the Council or their lessees or any other company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days. As to fares on Sundays and holidays.

A.D. 1927.
—
Periodical
revision of
tramway
fares rates
and charges.

40.—(1) If at any time after three years from the commencement 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 it is represented in writing to the Minister of Transport by twenty inhabitant ratepayers of the district or by the Council that in the circumstances then existing all or any of the fares rates or other charges demanded and taken in respect of the traffic on the tramways should be revised the Minister 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 rates 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 rates or charges to be taken in respect of the tramways and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister made in pursuance of this section.

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

Working
agreements.

41.—(1) The Council on the one hand and any local authority company body or person owning or working any tramways which may now or hereafter be connected with any tramways of the Council 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 of the contracting parties :
- (b) The leasing working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom :

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(c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways of rolling stock necessary for the purposes of such agreement and the employment of officers and servants :

(d) The supply of motive power :

(e) The payments to be made and the conditions to be performed with respect to the matters aforesaid :

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

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways of the other the tramways of the parties so contracting shall for the purposes of calculating maximum fares and charges in respect of conveyance partly over the tramways of the one party and partly over those of the other be considered as one tramway and the maximum charge for each 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.

42. A list of the fares and charges which are by this Act authorised to be taken for passengers (including therein the cheap fares for the labouring classes) and which shall be charged by the Council from time to time shall be exhibited in a conspicuous place inside each of the carriages used upon any of the tramways for the conveyance of passengers.

List of rates to be exhibited.

43. The Council may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Council or during the time of any public meeting procession or demonstration or for any other purpose which the Council having regard to the good government of the district or the safety of the public may deem necessary order that the working of the tramways or any part thereof shall be stopped

Power for Council to suspend tramway traffic.

A.D. 1927. — 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 Council shall not be liable to pay compensation for damages in respect thereof.

Removal of obstructions.

44. 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 Council may so remove the vehicle or load and may remove any other obstruction of a 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.

Application of road materials excavated in construction of works.

45. Any paving metalling or material excavated by the Council in the construction of any works under the authority of this Part of this Act from any road under their jurisdiction or control shall absolutely vest in and belong to the Council and may be dealt with removed and disposed of by them in such manner as they may think fit.

Shelters and waiting-rooms.

46. The Council may erect and maintain within the district on the route of the tramways shelters or waiting-rooms for the accommodation of passengers on the tramways and may with the consent of the road authority (where other than the Council) use for that purpose portions of the public streets or roads.

Cloak-rooms &c.

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

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

Council may appoint stopping and starting places.

48. Subject in the case of the tramways which may for the time being be worked by the Council by cable power to the regulations set forth in the Second Schedule to this Act or other the Ministry of Transport regulations

for the time being in force with respect to the use of cable power upon the tramways the Council may appoint the stations and places from which the carriages used on the tramways shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time during which such carriages shall be allowed to remain at any such place. A.D. 1927.

49.—(1) The Council may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any of the tramways signs or directions indicating the position of stopping places for carriages used on the tramways. Provided that in cases where the Council 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 Council shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment. Attach-ment of signs indicating stopping places to lamp-posts &c.

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

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

(4) The Council shall not attach any such sign or direction to any pole post or 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.

50. Any property found in any carriage used on the tramways or in any shelter or waiting-room in connection with the tramways shall forthwith be taken to a place to be appointed for the purpose by the Council and if the Lost property.

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A.D. 1927. — same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramways undertaking.

Penalty for malicious damage.

51. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the tramways anything which is calculated to obstruct or interfere with the working of such tramways 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 shall be liable to a penalty not exceeding twenty pounds.

Conveyance of mails.

52. The Conveyance of Mails Act 1893 shall extend and apply to 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 Council as the body or person owning or working such tramways.

Payment of fares rates and charges.

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

As to byelaws under this Part of this Act.

54. Any byelaws made by the Council under the provisions contained in 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.

Provision as to general tramways Acts.

55. Nothing in this Act contained shall exempt the Council or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

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

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 —
 Orders &c.
 of Minister
 of Trans-
 port.

57. Where under the provisions of the Tramways Act 1870 or this Act any matter in difference is referred to the arbitration of any person to be nominated or appointed by the Minister of Transport the provisions of the Arbitration Act 1889 or any Act or rules whereby the same has been or may be modified or superseded shall unless other provision is made apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Provision
 as to arbi-
 tration.

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

Accounts
 to be
 furnished
 to Minister
 of Trans-
 port.

PART IV.

GAS.

59. The gas undertaking as it exists and as it is used and enjoyed by the Council at the commencement of this Act shall (subject to the provisions of this Act) be and continue vested in the Council and be held used and enjoyed by them.

Gas under-
 taking to
 continue
 vested in
 Council.

60. From and after the commencement of this Act the limits of the Council for the supply of gas shall comprise:—

Gas limits.

The following area being the area within which the Council were immediately prior to the commencement of this Act authorised to supply gas (in this Act called "the gas limits") (that is to say):—

(a) the district with the exception of—

- (i) the parish of Tansley; and
- (ii) so much of the district as is north or north-west of an imaginary line drawn from the River Derwent at a point two and a half chains or thereabouts north of

A.D. 1927.

the centre of the footbridge carrying the path leading from Matlock Bath to the paint works across the River Derwent thence in a south-easterly direction to the junction with the footpath leading from Starkholmes thence in a straight line in a south-easterly direction to the south-eastern corner of the field numbered 1307 on the $\frac{1}{2500}$ Ordnance survey sheet No. XXXIV. 7 (1922 edition) of the county of Derby thence crossing Willersley Lane in an easterly direction to and continuing for a distance of two hundred and fifty yards along the southerly fence of the occupation road leading to Woodseats Farm and thence in a straight line due east to the eastern boundary of the district; and

(b) the urban district of Bonsall :

Provided that it shall not be lawful for the Council to supply gas within the limits of supply as on the twentieth day of July one thousand eight hundred and ninety-six of the Matlock and District Gas Company unless with the previous consent in writing of that company.

Powers to
maintain
gasworks
and convert
residual
products.

61.—(1) Subject to the provisions of this Act the Council may upon the lands described in the Third Schedule to this Act maintain and continue their existing gasworks and erect maintain alter improve and renew additional and other gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the gas limits and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them.

(2) The Council may also—

(a) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture on the said lands other products of the same kind as the Council are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the

Council in any year shall not exceed one third A.D. 1927.
of the quantity of the like residual product
which shall in that year arise directly or
indirectly from the manufacture of gas by
them; and

- (b) purchase from other gas undertakers and else-
where and use the materials required to work
up and convert the residual products so
arising from their own manufacture of gas
or purchased as aforesaid.

But the Council shall not manufacture chemicals exclu-
sively from raw materials purchased from sources other
than gas undertakings or in the manufacture of which
the use of residual products produced by the Council
or purchased from other gas undertakings is merely
subsidiary.

62.—(1) The Council may purchase sell let for hire Power to
fix alter repair and remove but shall not manufacture supply gas
engines stoves ranges pipes and other gas fittings for fittings &c.
lighting motive heating ventilating cooking or any other
purposes (in this section referred to as "fittings") and
may provide all materials and work necessary or proper
in that behalf and with respect thereto may demand and
take such remuneration or rents and charges and make
such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of
this section shall not be subject to distress or to the
landlord's remedy for rent or be liable to be taken in
execution under any process of any court or any pro-
ceedings in bankruptcy against the person in whose
possession the same may be.

(3) All fittings let for hire under the provisions of
this section 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 Council :

Provided that nothing in this subsection shall affect
the amount of the assessment for rating of any premises
upon which any such fittings are or shall be fixed.

(4) The Council shall only be entitled to the privileges
and exemptions conferred by subsections (2) and (3) of

[Ch. xvii.] *Matlocks Urban* [17 & 18 GEO. 5.]
District Council Act, 1927.

A.D. 1927. this section in respect of such of the fittings (other than meters) as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

(5) Provided as follows:—

- (a) The Council shall so adjust the charges to be made by them for any fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);
- (b) Every sum charged by the Council in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Council to the consumer;
- (c) The total sums expended and received by the Council in connection with the purposes of this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the gas undertaking for that year.

(6) For the purposes of this section fittings disposed of by the Council on terms of payment by instalments shall until the whole of the instalments have been paid be deemed to be fittings let on hire by the Council.

(7) Any sum due or payable to the Council in respect of the sale or hire of any fittings or the provision of materials and work in connection therewith as are referred to in this section or the fixing altering repairing or removal thereof may (if recovered along with a sum due for a supply of gas) be recoverable summarily provided the amount due or payable under this section does not exceed twenty pounds.

Date of
commence-
ment of
certain

63. The sections of this Part of this Act the marginal notes of which are in this section set forth shall come into operation from and after the final reading of the gas consumers' meters in the quarter ending the thirty-

first day of March nineteen hundred and twenty-eight A.D. 1927.
(namely):—

- (Limit of price of gas);
- (Charge for gas supplied by means of prepayment meters);
- (Revision of price of gas);
- (Measure of therms supplied);
- (Quality of gas);
- (Variation of declared calorific value);
- (Consumers' burners);
- (Pressure of gas); and
- (Application of Gas Regulation Act 1920).

—
sections of
this Part
of Act.

64. The price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed one shilling and twopence per therm. The Council shall not at any time charge consumers of gas within the portion of the gas limits which is outside the district a higher price than that charged to consumers in the district.

Limit of
price of
gas.

65.—(1) The Council may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the gas limits through any other kind of meter or by any other method of supply.

Charge for
gas supplied
by means of
prepayment
meters.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be threepence per therm if a cooking stove is included and twopence per therm if a cooking stove is not included.

(3) The charge for the hire of any prepayment meter without fittings shall be either a sum of money calculated according to the number of therms supplied (in which case the maximum rate of charge shall be one decimal fivepence per therm) or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and

A.D. 1927. the cost of collection and other costs incurred by the Council in connection therewith.

(5) For the purposes of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Revision of price of gas.

66. If at any time the Council or any local authority within the gas limits or twenty consumers in those limits represent to the Board of Trade that the costs and charges of and incidental to the manufacture and supply of gas by the Council shall have substantially altered from circumstances beyond the control of or which could not reasonably have been avoided by the Council the Board of Trade may after such inquiry as they think fit by order vary the maximum price for the time being in force for the supply of gas by the Council either by way of increase or decrease and this Part of this Act shall have effect on and after such date as may be prescribed in the order as if the maximum price for gas supplied by the Council were the price prescribed by the order.

Measure of therms supplied.

67. The number of therms supplied to any consumer shall be ascertained by multiplying the number of cubic feet of gas registered by the consumer's meter by the number of British thermal units comprised in the declared calorific value and dividing the product by one hundred thousand.

Quality of gas.

68. Subject as hereinafter provided the gas supplied by the Council shall when tested in accordance with the provisions of the Gas Regulation Act 1920 be of a calorific value of not less than five hundred British thermal units and such value (unless and until altered in accordance with the provisions of the section of this Act of which the marginal note is "Variation of declared calorific value") and thereafter such altered value shall for the purposes of the Gas Regulation Act 1920 be deemed to be and is in this Act referred to as "the declared calorific value."

Variation of declared calorific value.

69. If at any time the Council intend to alter the declared calorific value they shall give notice of their intention to supply as from a date to be therein specified and being not less than three months from the date of such notice gas of such calorific value as may be declared

in the notice and the calorific value so declared shall as from the date so specified be the declared calorific value for the purposes of this Part of this Act. The notice required by this section shall be published by advertisement in the London Gazette and a copy thereof shall be sent to the Board of Trade the Bonsall Urban District Council to every consumer and to the county council. A.D. 1927.

70. If and so often as the Council shall alter the declared calorific value of the gas they shall at their own expense effect such alteration adjustment or replacement of the burners in consumers' appliances as may be necessary to secure that the gas can be burned with safety and efficiency except in the case of any consumer who objects to such alteration adjustment or replacement as aforesaid. Consumers' burners.

71.—(1) Subject as in this section provided the minimum permissible pressure at which the gas may be supplied by the Council shall be such as in any main or in any pipe laid between the main and the meter having an internal diameter of two inches and upwards to balance a column of water not less than two inches in height. Pressure of gas.

(2) If the Council shall at any time declare a calorific value less than three hundred and fifty British thermal units the minimum permissible pressure at which the gas may be supplied shall be as follows :—

Where the declared calorific value is below three hundred and fifty British thermal units and not below three hundred British thermal units the minimum permissible pressure shall be two and a half inches; and

Where the declared calorific value is below three hundred British thermal units the minimum permissible pressure shall be such pressure (not being less than three inches) as shall be prescribed by the gas referees appointed under section 4 of the Gas Regulation Act 1920.

72. The following sections or parts of sections of the Gas Regulation Act 1920 shall apply to the Council and the gas undertaking as if the provisions of this Act with respect to price quality and pressure of the gas Application of Gas Regulation Act 1920.

[Ch. xvii.] *Matlocks Urban* [17 & 18 GEO. 5.]
District Council Act, 1927.

A.D. 1927. — supplied by the Council were an order made under section 1 of that Act in relation to the Council in respect of the gas undertaking (namely) :—

Subsection (7) of section 1 (Power to substitute new basis of charge);

Subsection (1) of section 2 (Composition and pressure of gas to be supplied);

Section 4 (Appointment of gas referees and examiners);

Section 5 (Power to prescribe tests);

Section 6 (Appeals to chief gas examiner);

Subsections (3) and (4) of section 7 (Remuneration and expenses of gas referees);

Section 8 (Penalties for failure to comply with prescription of gas referees);

Section 9 (Forfeiture for deficient calorific value &c.);

Section 18 (Definitions); and

Section 20 (Expenses of local authorities).

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

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

Gas consumers to give notice to Council before removing.

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

75. The Council with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

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Power to lay pipes against buildings for lighting same.

76. When any money is deposited by any person by way of security with the Council for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Council shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Council to pay interest on money deposited as security.

77. The Council may contract with any local authority company or persons for the supply by the Council to them or for the supply to the Council by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Council to lay any mains or interfere with any street beyond the gas limits :

Council may contract for supply and purchase in bulk.

Provided that the Council shall not supply gas under any such contract beyond the gas limits if and so long as such supply would interfere with the supply of gas within the gas limits.

78.—(1) If at any time after the commencement of this Act any local authority whose district or any part thereof is within the gas limits give not less than six months' notice in writing to the Council of their desire to purchase such portions of the works of the Council as are contained within the district of any such local authority and shall obtain the consent of the Board of Trade to such purchase and shall apply to Parliament or the Board of Trade for power to purchase such portions of the said works (except any mains and pipes or other apparatus which shall be necessary for supplying with

Provision for sale of portion of gas undertaking to other sanitary authorities.

A.D. 1927. gas any other part of the gas limits) and to supply gas within such district then it shall not be lawful for the Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Council shall sell and such local authority shall purchase the portion of the said works (except as aforesaid) within the district of such local authority at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts.

(2) Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as may be otherwise provided by Parliament.

(3) The Council shall apply the proceeds of any sale under this section in discharge of money borrowed by them for gasworks purposes.

(4) After the completion of such purchase all obligations on the part of the Council to supply gas within such district shall cease and determine.

Power to lay pipes in streets outside district not dedicated to public use.

79. The Council may upon the application of the owner or occupier of any premises within so much of the gas limits as is beyond the district abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act.

Power to lay pipes for ancillary purposes.

80. The Council may within the gas limits lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

81. In the event of any meter used by a consumer of gas being tested in manner provided by the regulations made by the Board of Trade under the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said regulations such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in like manner as gas charges are recoverable by the Council.

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Period of error in defective meters.

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

Anti-fluctuators to be used with gas engines.

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

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

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

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As to construction
and placing
of pipes &c.

83. In order to enable the Council to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

(1) The Council may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes (with the fittings thereof) which are to be laid by the owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before giving such approval may refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry :

(2) (a) The Council shall publish once in the London Gazette and once in each of two newspapers circulating within the gas limits a notice of any application made by them to the Board of Trade for approval of any specification together with a copy of the proposed specification and an intimation in a form to be approved by the Board of Trade that any person affected by such proposed specification may make representations in writing to the Board of Trade within a period to be specified in the notice ;

(b) As soon as practicable after the Board of Trade have approved any specification the Council shall comply with any directions given to them by the Board of Trade as to the publication or service of copies of the specification as approved or of notice of the giving of such approval ;

(c) A copy of every specification approved by the Board of Trade under this section shall

be kept for public inspection at the gas engineer's office of the Council and copies of every such specification shall be purchasable by any person at the said office at the price of sixpence for each copy :

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- (3) When any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Council accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used :
- (4) The Council shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification :
- (5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Council and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council or until the pipe or fittings as laid or placed has or have been inspected and approved by the Council whichever shall first happen :
- (6) Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipe or fittings is or are not according to the appropriate specification of the Council the Council may refuse to supply gas to the premises until the provisions of this section have been complied with :

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- (7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Council's main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Council the like notice and the Council shall have the like right of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with :

Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Council for the meter or a separate meter house such meter may be placed in such accommodation or meter house instead of within the outside wall of the building :

- (8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of the railway company—

(a) elsewhere than between the main of the Council and the meter ; or

(b) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over :

- (9) In and for the purposes of this section the expression " fittings " includes only the joints angles and connections used in placing or laying pipes and the valves and cocks in connection therewith.

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

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Removal of fittings where gas supply discontinued.

(2) Any person having control of the premises which the Council are authorised by the Gasworks Clauses Act 1871 or this Act to enter who does not permit such entry shall be liable to a penalty not exceeding five pounds.

(3) Where any premises which the Council are entitled to enter in pursuance of the said section 22 or this section are unoccupied the Council may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Council and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage and repairing all damage caused by such entry and shall on quitting the premises leave the same secure.

85. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall (unless otherwise agreed in writing between the Council and the company) be in force and have effect:—

For protection of London Midland and Scottish Railway Company.

(1) In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the company or the bridges approaches viaducts stations or other works or any level crossings of the company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the company and only according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Council who also shall restore and make good the roads over any such bridges level crossings

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and approaches which the company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon :

- (2) If any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Council shall make compensation in respect thereof to the company the amount of such compensation together with full costs to be recoverable from the Council by all and the same means as any simple contract debt is recoverable :
- (3) If any difference shall arise between the Council and the company as to the mode of laying down repairing altering or enlarging their mains pipes or other works or the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Relief from
obligation
to supply.

86. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Council is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the gas limits for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Council notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

- (a) a new supply of gas for the premises of any person demanding such supply at any time after the commencement of this Act; or

(b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas) A.D. 1927.

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration or addition to the distribution works of the Council. Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Council—

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Council may reasonably require; or
- (ii) to make such payment or payments to the Council (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Council may reasonably require;

(according as the Council may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Council in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Council may reasonably demand. Provided also that if any question shall arise under the provisions of this section between the Council and the applicant as to the sufficiency of the distribution works of the Council or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Council or as to the nature or amount of the security demanded by the Council such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Council and the applicant) by the Board of Trade on the application of either party after notice in writing to the

A.D. 1927. — other of them and the decision of such arbitrator shall be final and binding. Provided also that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say):—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Council may be called upon to supply gas to the applicant;
- (b) the capital expenditure which the Council would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and
- (c) how far such capital expenditure may become unproductive to the Council in the event of the cesser of the new or increased supply.

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

As to mode
of cutting
off supplies.

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

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

(2) For the purposes of this section the Council subject to the provisions of section 22 of the Gasworks

Clauses Act 1871 shall have and may exercise the like powers of entry as are exerciseable under that section. A.D. 1927.

38.—(1) Every consumer of gas supplied by the Council who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Council (in this section referred to as "high-pressure air or other gas") shall if required to do so by the Council provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such high-pressure air or other gas into the service pipe or any main through which gas is supplied by the Council 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.

Provision
of valve
where high-
pressure
air or other
gas is used.

(2) It shall not be lawful for any person at any time after the commencement of this Act to commence to use high-pressure air or other gas unless and until he shall have given to the Council 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 or other gas shall within one month after that date give to the Council notice in writing of such use and if within one month after the giving of such notice the Council 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 or other gas unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Council or any obligation under this section the Council 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.

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

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

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

(6) The Council shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air or other gas is used or the Council have reason to believe that high-pressure air or other gas 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 Council 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 Council if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

Supply of
gas where
consumer
has a
separate
supply.

89. 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 only for the purposes of a stand-by supply from the Council a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed to pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

90. In any case in which in consequence of any default on the part of the occupier of any premises the Council have 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 Council the expenses of cutting off and re-connecting the supply and the Council shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

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—
Expenses
of re-con-
necting
discon-
tinued gas
supply.

91. The Council may levy and recover such charges as they think fit for taking (at the request of and for the convenience of consumers at times other than those of the periodical readings) the reading of any meter fixed in a house which is either in whole or in part let furnished provided that such charges shall not exceed the sum of one shilling for each reading.

Charges for
special
readings of
meters.

92. The Council may in connection with and for the purposes of the gas undertaking provide fit up and maintain at the Pavilion and Pump Room but not elsewhere showrooms and offices and exhibit specimen installations machinery fittings and other apparatus appliances articles and things used in connection with the manufacture and consumption of gas and resulting from the manufacture of gas and give demonstrations of the uses to which gas can be put and may appoint and pay persons for the purposes aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of gas and may do all such other acts as they may deem expedient to assist develop or promote the use of gas.

As to
offices and
showrooms.

93.—(1) If the Council shall at any time serve notice upon any consumer to the effect that an officer or servant of the Council has reported after inspection of any internal piping or gas consuming appliance or fitting on such consumer's premises that he is of opinion that any such internal piping or gas consuming appliance or fitting is in such a condition as to be dangerous to the occupiers of the premises such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger. If the consumer shall fail forthwith to carry out such works as aforesaid the Council may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as

Power to
compel
repairs of
piping or
appliances
&c. in
dangerous
condition.

A.D. 1927. the Council shall think fit Any expenses incurred by
— the Council in cutting off the gas from such premises
may be recovered by the Council summarily as a civil
debt.

(2) For the purposes of this section the Council shall subject to the provisions of section 21 (Power to enter buildings for ascertaining quantities of gas consumed) of the Gasworks Clauses Act 1871 have and may exercise the like powers of entry as are exerciseable under that section.

(3) Nothing in this section shall apply to any internal piping gas consuming appliance or fitting on the premises other than a dwelling-house of any railway company nor shall the powers of this section be exerciseable in respect of such premises.

Attachment
of brackets
&c. to
buildings
for lighting
streets.

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

(2) Provided that—

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

(b) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building or bridge but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed Where such

notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under proviso (a);

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

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

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

PART V.

WATER.

Works &c.

95. The water undertaking as it exists and as it is used and enjoyed by the Council at the commencement of this Act shall subject to the provisions of this Act be and continue vested in the Council and be held used and enjoyed by them.

Water undertaking to continue vested in Council.

96. The Council may—

- (1) maintain renew alter and improve the water undertaking or any part thereof;
- (2) take intercept and impound any water which can or may be intercepted by any of their existing waterworks or which they might have taken intercepted or impounded if this Act had not been passed;
- (3) erect lay down provide and maintain upon lands vested in the Council for the purposes

Power to maintain and provide waterworks and supply water.

A.D. 1927.
—

of the water undertaking additional and other works and apparatus;

(4) lay down provide and maintain additional and other aqueducts mains and pipes in under or across streets subject to the provisions of this Act and of the Acts incorporated therewith; and

(5) sell and supply water in accordance with the provisions of this Act:

Provided that the Council shall not save in exercise of any statutory powers for that purpose obtained by them after the passing of this Act use the existing pipe constructed by them in the bed of the Bentley Brook at a point in enclosure No. 39 on the $\frac{1}{2500}$ Ordnance map (Derbyshire) sheet No. XXIX. 11 (second edition 1898) to the west of and in close proximity to the existing waterworks of the Council situate in enclosure No. 16 on the said map for the purpose of abstracting water from the said brook.

Limiting powers of Council to abstract water.

97. Notwithstanding anything contained in this Act the Council shall not construct any works for taking or intercepting water from any lands at the commencement of this Act belonging to or after such commencement acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament Provided that for the purposes of this section the existing waterworks shall be deemed to be works authorised by this Act and the lands upon which those works are constructed shall be deemed to be specified in this Act and that nothing in this section shall be deemed to prohibit the deepening enlargement or alteration of any existing borehole well or adit of the Council.

For further protection of London Midland and Scottish Railway Company.

98. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall (unless otherwise agreed in writing between the Council and the company) be in force and have effect:—

(1) In laying down and executing or in effecting the repairs and renewals of any aqueducts mains pipes or other works upon across over under

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or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the company or the bridges approaches viaducts stations or other works or any level crossings of the company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the company and only according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Council who also shall restore and make good the roads over any such bridges level crossings and approaches which the company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon :

- (2) If any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such aqueducts mains pipes or works the Council shall make compensation in respect thereof to the company the amount of such compensation together with full costs to be recoverable from the Council by all and the same means as any simple contract debt is recoverable :
- (3) If any difference shall arise between the Council and the company as to the mode of laying down repairing altering or enlarging their aqueducts mains pipes or other works or the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Minister of Health at the request of either party.

99.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Council are empowered to take or

Powers for protection of water supply.

[A.D. 1927. —] which may flow into any waterworks of the Council the Council may by agreement purchase take on lease or acquire any lands and may hold such lands and any other lands which the Council may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes :

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

(2) The Council may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted and the Council may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road traversing the said lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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

Power to
hold sell
lease &c.
lands.

100. Notwithstanding anything in the Lands Clauses Acts the Council may retain hold and use for the purposes of the water undertaking for such time as they think fit any lands for the time being belonging to them (including any lands acquired by them under the powers of this Act) and may from time to time sell lease exchange

or otherwise dispose of the same in such manner for such consideration and on such terms and conditions as they think fit and may execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition and on any such sale lease exchange or disposition may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make any such sale lease exchange or disposition subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit :

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

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

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

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

102.—(1) For the purpose of executing constructing laying down enlarging extending repairing renewing cleansing emptying removing or examining any of their waterworks the Council may cause the water in any such waterwork to be discharged into any available stream or watercourse Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

Discharge of water into streams.

(2) In the exercise of the power conferred by this section the Council shall do as little damage as may be

A.D. 1927. — and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously to affect the railways or works of a railway company.

Supply.

Water limits.

103. The water limits shall be the district.

Constant supply and pressure.

104. The water to be supplied by the Council shall be constantly laid on under pressure but the Council shall not be required to supply water in any case at a greater elevation than can be reached by gravitation from the point at which the water is discharged from the reservoir affording the supply. Provided that nothing in this section shall operate against any proceedings which may be taken on a complaint made to the Minister of Health under section 299 of the Public Health Act 1875.

For prevention of plumbism.

105.—(1) All water supplied by the Council for domestic purposes shall be pure and wholesome. If at any time it shall appear to the Council that any water so supplied by them is liable to act upon lead in such a manner as to endanger the health of the consumer the Council shall forthwith treat any water so supplied so as to prevent such action.

(2) If at any time it shall appear to the medical officer of health for the county of Derby that any water supplied by the Council for domestic purposes is liable to act upon lead in such a manner as to endanger the health of the consumer the Council shall upon being required so to do by the county council forthwith treat any water so supplied so as to prevent such action:

Provided that if any difference arise between the Council and the county council with respect to any requirement made under this subsection the difference shall be determined by the Minister of Health on the application of either of the parties.

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(3) If the Council shall at any time supply water for domestic purposes otherwise than in accordance with the provisions of subsections (1) and (2) of this section they shall be liable to a penalty not exceeding ten pounds for every day during which such default shall continue.

(4) Any person duly authorised by the county council may at all reasonable times and after giving not less than six hours' notice in writing and on producing his authority enter upon the property of the Council for the purpose of taking and carrying away samples of the water. Any person who molests, hinders or obstructs any such person in the performance of his duty under this section shall be liable to a penalty not exceeding five pounds for every such offence.

(5) The county council may take proceedings to enforce the provisions of this section and for the recovery of penalties thereunder. Provided that the Council shall not incur more than one penalty (other than a daily penalty) for the same offence.

106.—(1) As from the quarter day next after the commencement of this Act the Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at such rates as the Council may from time to time determine not exceeding the rates per annum hereinafter specified (that is to say):—

Rates for
water
supply for
domestic
purposes.

Where the rateable value of the premises so supplied with water does not exceed five pounds at a rate not exceeding twopence per week;

Where such rateable value exceeds five pounds and does not exceed ten pounds at a rate not exceeding threepence per week;

Where such rateable value exceeds ten pounds and does not exceed twenty pounds at a rate per annum not exceeding ten per centum upon such rateable value;

Where such rateable value exceeds twenty pounds and does not exceed thirty pounds at a rate per annum not exceeding eight and a half per centum upon such rateable value;

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Where such rateable value exceeds thirty pounds and does not exceed forty pounds at a rate per annum not exceeding eight per centum upon such rateable value;

Where such rateable value exceeds forty pounds and does not exceed fifty pounds at a rate per annum not exceeding seven and a half per centum upon such rateable value;

Where such rateable value exceeds fifty pounds and does not exceed sixty pounds at a rate per annum not exceeding seven per centum upon such rateable value;

Where such rateable value exceeds sixty pounds and does not exceed seventy pounds at a rate per annum not exceeding six and a half per centum upon such rateable value;

Where such rateable value exceeds seventy pounds at a rate per annum not exceeding six per centum upon such rateable value.

(2) The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor :

Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction.

(3) In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the water limits a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit.

(4) When water supplied for domestic purposes is used for washing horses carriages or motor cars or for

other purposes in stables garages or premises where horses carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding thirty shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first. A.D. 1927.

(5) Any sums charged under subsections (3) and (4) of this section shall be recoverable at the like dates and in the same manner as other water rates or charges leviable by the Council under this section can be recovered.

(6) Nothing in this section shall entitle the Council in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum than they would be entitled to demand if the house or part thereof were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum is chargeable.

107. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. Rates payable by owners of small houses.

108. Notwithstanding anything contained in section 70 of the Waterworks Clauses Act 1847 the Council may by resolution declare that their water rates and charges shall be payable at such date or dates as the Council may from time to time appoint Provided that no person shall be compellable to pay such water rates or charges for any longer period in advance than three months. Payment of water rates.

A.D. 1927.

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Discount
for prompt
payment
of water
rates.

109. The Council may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of rates for the supply of water for domestic purposes not exceeding in any case five per centum. Provided that such discounts or rebates shall be at the same rate under like circumstances to all consumers. Provided also that if and so long as the Council allow such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for water rates.

Supply
of water
to houses
partly used
for trade
&c.

110.—(1) The Council shall not be bound to supply with water otherwise than by meter (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse public institution hospital asylum (whether public or private) sanatorium club hotel public-house or inn or (c) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein or (d) any school not maintained by the local education authority.

(2) Where a supply of water to a farm-house is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Council to refuse a supply of water for domestic purposes to a farm-house at the ordinary rate.

(3) The minimum quarterly charge for a supply of water by meter to any of the premises in this section mentioned shall be one fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same rateable value.

Supply by
meter.

111. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by meter either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

112. The price to be charged for a supply of water by meter shall not exceed the following rates per quarter (that is to say):—

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Price of
supply by
meter

Two shillings per one thousand gallons up to five thousand gallons;

One shilling and ninepence per one thousand gallons of the excess beyond five thousand gallons up to ten thousand gallons;

One shilling and sixpence per one thousand gallons of the excess beyond ten thousand gallons up to twenty thousand gallons;

One shilling and threepence per one thousand gallons of the excess beyond twenty thousand gallons up to fifty thousand gallons;

One shilling per one thousand gallons of the excess beyond fifty thousand gallons up to one hundred thousand gallons;

Elevenpence per one thousand gallons of the excess beyond one hundred thousand gallons up to two hundred and fifty thousand gallons;

Ninepence halfpenny per one thousand gallons of the excess beyond two hundred and fifty thousand gallons up to five hundred thousand gallons;

Eightpence per one thousand gallons of the excess beyond five hundred thousand gallons.

113.—(1) References in this section to the maintenance of the water undertaking upon a self-supporting basis shall mean the maintenance of the same upon such a basis that upon estimates being made of the revenue to be derived for the ensuing year from the said undertaking and also of the sums required to meet for such year the outgoings referred to in paragraphs (a) (b) (c) (d) and (e) of subsection (1) of the section of this Act the marginal note of which is "Separate accounts in respect of trading undertakings" the said revenue shall as nearly as may be practicable meet the expenditure before specified for such year.

Further
provision as
to rates for
supply of
water.

(2) As from the quarter day next after the commencement of this Act the Council shall enforce in respect of the supply of water for domestic purposes within the district the maximum rates in respect of such

A.D. 1927. — supply authorised by the section of this Act the marginal note of which is “ Rates for supply of water for domestic purposes ” and shall continue so to enforce the same so long as the water undertaking shall not be upon a self-supporting basis.

(3) If at the expiration of three years from the quarter day next after the commencement of this Act the Council are not (notwithstanding that the provisions of subsection (2) of this section have been complied with during such period of three years) able to maintain the water undertaking upon a self-supporting basis they shall forthwith apply to the Minister of Health under section 303 of the Public Health Act 1875 for a Provisional Order for the purpose of obtaining such revision of the rates for the supply of water for all purposes authorised by this Part of this Act as the said Minister may sanction.

Register
of meter
to be primâ
facie
evidence.

114.—(1) Where water is supplied by meter the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Council.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(3) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as rates for water are recoverable by the Council.

Injuring
meters &c.

115.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without

prejudice to any other right or remedy for the protection of the Council) be liable to a fine not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained. A.D. 1927.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or other instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *primâ facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

(4) The provisions of this section shall be in force in the district to the exclusion of those contained in section 60 of the Public Health Act 1875.

116.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow

Byelaws for preventing waste of water.

A.D. 1927. — or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirement of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable.

Power to
remove
meters and
fittings.

117. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the manager of the water undertaking or some other officer of the Council 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 Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council 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.

Detection
of waste.

118. Subject to the provisions of the Waterworks Clauses Act 1847 the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water (without thereby in any way affecting the ownership of any such mains or pipes) and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts

passages tramways gas or water pipes electric lines wires and apparatus Provided that the Council shall not 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 Provided also that the Council shall not enter upon break up or interfere with the railway or works or any electric lines wires or apparatus belonging to a railway company or any street belonging to and forming the approach to any station or depôt of a railway company without the consent of that company or unreasonably interfere with or render less convenient the access to or exit from any station or depôt of such railway company.

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119.—(1) If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Council in executing such repairs if found to be necessary shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

Power to Council to repair communication pipes.

(2) Provided that except in case of emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given 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.

120.—(1) The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Separate communication pipes may be required.

(2) If the owner of any house supplied with water by the Council when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the

A.D. 1927. Council may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

Mainten-
ance of
common
pipe.

121. 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 Council in the maintenance and repair of such pipe and their respective proportion of contributions shall be settled by the surveyor or other officer duly authorised in that behalf by the Council.

Notice to
Council of
connecting
or discon-
necting
meters.

122. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Interference
with valves
pipes and
fittings.

123. Every person who shall wilfully (without the consent of the Council) or negligently close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable to a penalty not exceeding five pounds and the Council 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.

Penalty
for inter-
fering with
valves &c.

124. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of the supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe

connected with any main of the Council and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly. A.D. 1927.

125.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. Power to person liable to maintain pipes &c. to open ground.

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

126. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. Power to sell meters.

127.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such works shall be paid by the person requiring the same. Power to supply water fittings.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose

A.D. 1927.

possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Council on hire as aforesaid 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 premises at all times continue to be the property of and removable by the Council Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows—

(a) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(b) When a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of providing such fittings or the repairing fixing or removal thereof such sum shall be clearly stated in such demand note;

(c) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

Cleansing
of cisterns.

128. The Council may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles for storing water supplied by the Council and used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man.

A.D. 1927.

129. Section 35 of the Waterworks Clauses Act 1847 in its application to the Council shall be read and construed as if the words "one-sixth part" and "five successive years" were substituted therein for the words "one-tenth part" and "three successive years" respectively.

Application of section 35 of Waterworks Clauses Act 1847.

130. The Council may enter into and carry into effect agreements with any authority water board company or person for the supply of water beyond the water limits to any such authority board company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

Contracts for supplying water in bulk.

Provided that—

- (a) Such supply shall not be given except with the consent of any authority board company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for all purposes within the water limits;
- (b) Nothing in this section shall authorise the Council to lay any mains or other pipes or to interfere with any street beyond the water limits.

PART VI.

MINERAL RIGHTS.

131.—(1) Notwithstanding anything contained in the Act of 1852 or anything by law right custom or usage to the contrary but subject as hereinafter provided it shall not be lawful from and after the commencement of this Act for any person to exercise the right of searching for sinking or digging mines or veins of lead ore in or upon the surface of the lands situate within the limits of the King's Field in the soke and wapentake of Wirksworth in the county of Derby which are described in the Fourth Schedule to this Act (being lands now the property or in the occupation of the Council) nor in or upon the surface of any lands within the said limits not

Exemption of lands of Council from exercise of mineral rights.

[Ch. xvii.] *Matlocks Urban* [17 & 18 GEO. 5.]
District Council Act, 1927.

A.D. 1927. — described in the said Fourth Schedule to this Act which may either at the commencement of this Act be the property or in the occupation of the Council or may at any time after the commencement of this Act be acquired or occupied by the Council so long as the same respectively shall remain the property of or in the occupation of the Council:

Provided that except as regards the lands (c) and (e) described in the said schedule no person or persons shall be precluded by the provisions of this section from following their veins and searching for and getting lead ore in the lands described in the said schedule at a lower depth than fifteen yards from the surface.

(2) There shall be reserved to all persons who may under or by virtue of the provisions of the Act of 1852 be entitled to exercise the right of sinking or digging mines or veins of lead ore in upon or under any lands within the limits of the King's Field and who would but for the provisions of this subsection be prevented by the provisions of this Act from effectually draining their mines or veins into the River Derwent the right upon giving fourteen days' notice in writing to the Council to enter on and to lay and construct at their own expense in all things under the lands (c) described in the Fourth Schedule to this Act and in the line and manner shown on a plan signed in triplicate by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for the Act of 1910 was referred (one copy of which is deposited in the Parliament Office of the House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the Council) and between the points marked "A" and "B" respectively on the said plan a drainage tunnel or sough for carrying water from any such mines under the said lands (c) to the said river and to use repair and maintain the said drainage tunnel or sough Provided that the rights by this subsection expressly reserved shall not extend to the construction of more than one such drainage tunnel or sough.

(3) There shall be reserved to all persons who may under or by virtue of the Act of 1852 be entitled to exercise the said right of sinking or digging mines or veins of lead ore and who but for the provisions of this

subsection would be prevented by the provisions of this Act from effectually ventilating draining or working their mines or veins without such airways headways and water levels as are hereinafter mentioned being provided the right upon giving fourteen days' notice in writing to the Council to cut and make at their own expense in all things such and so many airways headways or water levels under the lands (e) described in the Fourth Schedule to this Act as may be required to enable them to ventilate drain and work their mines or veins. Provided that no such airway headway or water level shall be of greater dimensions than eight feet wide and eight feet high nor shall the same be cut or made upon any of the said lands (e) or so as to disturb weaken injure or affect the surface of the said lands or in any way affect impede or interfere with the user of the said lands for the purpose of the gasworks or other buildings of the Council at the time of the cutting or making of the said airways headways or water levels erected thereon. A.D. 1927.

(4) Nothing in this Act contained shall take away or diminish the right of any person or persons who may under or by virtue of the provisions of the Act of 1852 be entitled to exercise the right of sinking or digging mines or veins of lead ore in upon or under any lands within the limits of the King's Field and who would but for the provisions of this subsection be prevented by the provisions of this Act from effectually draining their mines or veins into the River Derwent to use maintain and repair the drainage tunnel or sough existing under the lands (f) described in the Fourth Schedule to this Act:

(5) The exemption by this Act authorised of any lands situate within the limits of the King's Field not described in the Fourth Schedule to this Act which may either at the commencement of this Act be the property of or in the occupation of the Council or which may at any time after the commencement of this Act be acquired or become occupied by the Council from the exercise of the right of searching for sinking and digging mines or veins of lead ore shall not have effect unless and until the Chancellor for the time being of the Duchy of Lancaster shall have given in each case his consent to such exemption in writing under his hand which consent the said Chancellor is hereby empowered to give subject

A.D. 1927. to such terms and conditions (if any) in all respects as he may deem fit to impose.

(6) Nothing in this section contained shall prejudice or affect the rights of any person or persons who were on the twenty-sixth day of July one thousand nine hundred and ten registered in the books of the barmaster of the soke and wapentake of Wirksworth (hereinafter in this section referred to as "the barmaster") as the owner or owners of any mine or vein in upon or under any of the lands described in the First Part of the Fourth Schedule to this Act or of any person or persons who were on the twentieth day of November one thousand nine hundred and twenty-six registered in the said books as the owner or owners of any mine or vein in upon or under any of the lands described in the Second Part of the said schedule and their respective successors in title (which persons are hereinafter in this section referred to as "the registered owners") Provided that the expression "the registered owners" shall not include any person or persons who might but for the provisions of the Act of 1910 or this Act acquire under or by virtue of the provisions of the Act of 1852 any right or interest in any such mine or vein belonging to a registered owner by gift from the barmaster on the ground that such mine or vein had been neglected or not wrought by the registered owner.

(7) Upon any breach or non-observance by any person of the provisions of this section there shall become due from such person to the Council the sum of twenty shillings and a further sum of twenty shillings in respect of every day during which such breach or non-observance shall continue after such first sum shall have been adjudged due to the Council which sums shall be recoverable by the Council summarily as a civil debt.

PART VII.

TOWN HALL AND PUBLIC BUILDINGS.

Matlock
Town Hall
and public
buildings.

132. The Matlock Town Hall (formerly the Bridge House at Matlock) and the offices of the Council thereat (in this Act together referred to as "the town hall") and all public buildings offices and mortuaries and any other buildings belonging to the Council and used for the

purpose of any Act of Parliament or any other public purpose vested in belonging to or used and enjoyed by the Council immediately before the commencement of this Act shall be and continue to be vested in and used and enjoyed by the Council. A.D. 1927.

133.—(1) The Council may maintain alter improve and enlarge the town hall and may hold furnish equip maintain insure and carry on the same and may let on lease or otherwise such part or parts of the same as may not for the time being be required for the purposes of the Council to such bodies and persons for such periods and upon such terms and conditions as they may think fit. Powers with regard to Matlock Town Hall.

(2) Any moneys received by the Council in connection with the execution of the powers of this section shall be carried to the credit of the district fund.

PART VIII.

PAVILION PUMP ROOM PARKS AND RECREATION GROUNDS.

134.—(1) The pavilion and pump room at Matlock Bath maintained for utilising the thermal waters of the grotto spring known as the Royal Well and the one equal moiety of the whole flow of the thermal or mineral waters issuing from the said grotto spring and all pumps fountains pipes fittings apparatus conveniences works baths pavilions conservatories waiting refreshment concert assembly and reading rooms museums buildings conveniences gardens and pleasure grounds connected therewith (all of which are in this Act referred to as "the pavilion and pump room") vested in belonging to or used or enjoyed by the Council immediately before the commencement of this Act shall be and continue to be vested in and enjoyed by the Council and the Council may maintain alter improve and enlarge the same and may for such purposes acquire by agreement and hold lands and may provide such additional and other buildings in connection therewith and may furnish and equip maintain insure and carry on the same as they may think fit. Pavilion and pump room.

(2) The Council may make byelaws for the regulation and management of the pavilion and pump room and for regulating the admission thereto and the user

A.D. 1927. thereof and respecting the conduct of persons resorting thereto.

Existing parks to be continued.

135. All parks vested in held on lease by or used or enjoyed by the Council immediately before the commencement of this Act shall be and continue to be so vested in held on lease by and used and enjoyed by the Council.

Saving for covenants and conditions affecting gifts conveyances and leases.

136. No power conferred upon the Council under this Part of this Act with respect to the pavilion and pump room or any park or any other property vested in leased to or used or enjoyed by the Council at the commencement of this Act or any property thereafter to be acquired or provided by the Council shall be exercised in such a manner as to contravene any covenant or condition subject to which such property has been given conveyed or leased to or leased by the Council without the consent of the donor grantor lessor lessee or other person entitled in law to the benefit of such covenant or condition.

Powers to charge for admission to certain parks.

137.—(1) The Council may on any of the nine consecutive days commencing on Good Friday and on any day between the first day of May and the thirtieth day of September (both inclusive) in any year charge such reasonable sums (not exceeding sixpence for each person) as they think fit for admission to any of the Matlock Bath enclosed parks.

(2) The Council may close to the public any of the Matlock Bath enclosed parks on any days not exceeding six in the year and not being Sundays or public holidays and may on those days charge such reasonable sums for admission thereto as they think fit.

(3) In addition to the powers conferred by subsections (1) and (2) of this section the Council may exercise the further powers of subsection (1) of section 44 of the Public Health Acts Amendment Act 1890 in relation to the Matlock Bath enclosed parks Provided that in the application of that subsection to the Matlock Bath enclosed parks the words "not exceeding six days in any one year" shall be substituted for the words "not exceeding twelve days in any one year nor four consecutive days on any one occasion."

138. Subject to the provisions of this Act the Council may on any lands of which for the time being they may be the owners or lessees or on lands to be acquired by them by agreement for the purpose erect acquire and construct and hold furnish equip maintain insure and carry on concert halls public halls assembly rooms rooms for all social purposes pavilions conservatories winter gardens bandstands boathouses and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante-rooms shelters refreshment rooms kitchens cloakrooms lavatories gardens pleasure grounds promenades model yacht ponds outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Council and may provide erect and maintain offices as part of any such building or buildings.

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 Power to provide public hall and other buildings.

139. The Council may make such reasonable charges as they may think fit for admission to and for the use of—

Power to charge for admission to buildings &c.

- (i) the pavilion and pump room (including charges for the supply by measure glass or otherwise of mineral water);
- (ii) any of the other premises (except reading rooms) mentioned in the last preceding section of this Act.

140. Subject to the provisions of this Act—

Provision of concerts entertainments &c.

- (1) The Council may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions fêtes regattas and amusements in the pavilion and pump room and in any concert halls public halls assembly rooms rooms for social purposes pavilions conservatories winter gardens bandstands reading rooms or other buildings maintained or provided by them under the powers of this Act or in any model yacht ponds belonging to them or in any parks for the time being vested in or leased to them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Council may grant or let with or without

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charge the whole or any part of any such buildings halls model yacht ponds pavilions conservatories winter gardens bandstands or rooms belonging to them or any parks for the purpose of such concerts entertainments athletic meetings exhibitions fêtes regattas or amusements or for the sale of refreshments or for public or other meetings or for other purposes for such periods or occasions and upon such terms and conditions as the Council may think fit:

Provided that nothing in this subsection shall enable the Council—

(a) to use or let any building other than the pavilion and pump room or any part thereof for the purpose of a cinema theatre; or

(b) to use or let any building other than (i) the pavilion and pump room or any part thereof or (ii) any building or part of a building in the Matlock Bath enclosed parks for the performance of stage plays by professional companies of performers; or

(c) to provide or arrange for the provision or carrying on of stage plays by professional companies of performers in such a way or on such terms that the Council would themselves undertake any liability for or in respect of any loss that might be incurred in the production of any such stage plays:

(2) The Council may in any public buildings halls model yacht ponds or parks vested in or leased to them enclose an area for the purpose of any such concerts or other entertainments athletic meetings exhibitions fêtes regattas and amusements as aforesaid:

Provided that the public shall not be excluded from any area in any park which may be enclosed under the powers of this subsection except while such area is in actual use for any of the purposes aforesaid and during such periods immediately prior and subsequent to such period of user as may be reasonably necessary:

- (3) The Council may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section: A.D. 1927.
- (4) The Council may arrange for the provision of refreshments in any such halls rooms or buildings as are referred to in subsection (1) of this section:
- (5) The Council may make byelaws for securing good and orderly conduct during any concerts entertainments athletic meetings exhibitions fêtes regattas or amusements provided or carried on in pursuance of the provisions of this section:
- (6) The Council may pay or contribute towards the cost of providing and maintaining at public places in the district and on motor omnibuses plying between the district and other places and in newspapers published in the county of Derby or in any county contiguous to that county advertisements of any concerts entertainments athletic meetings exhibitions fêtes regattas or amusements given or provided in pursuance of this section or of any other enactment:
- (7) Any expenses incurred by the Council under the provisions of this section may be paid by the Council out of the district fund Provided always that the net amount of any payments or expenses made and incurred by the Council under the provisions of this section after deducting any moneys received by them under the provisions of this section shall not in any one year exceed a sum equivalent to that which would be produced by a rate of threepence in the pound levied on property in the district assessable in that year to the district rate.

141. The provisions of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 shall apply as if so much of the River Derwent as is within the district were a lake or piece of water in a park or pleasure ground provided by the Council and as if

As to provision and letting of pleasure boats on River Derwent.

A.D. 1927. boats for ferrying across the said river within the district were pleasure boats within the meaning of the said subsection.

Shelters
seats or
chairs may
be provided.

142. The Council may subject to the provisions of this Act (and subject in the case of any road under the direct maintenance and control of the county council to the consent of that council) place or authorise any person or persons to place shelters (with or without lavatories and sanitary conveniences) seats or chairs for the use of the public in any street highway park or other public place and upon land adjoining streets highways and public places and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of shelters seats and chairs and for preventing injury or damage thereto Nothing in this section shall be taken as empowering the Council to hinder the reasonable use of any street highway or public place or land adjoining thereto by the public or any person entitled to use the same or as empowering the Council to exercise their powers under this section in such a way as to create a nuisance to any adjacent owner or occupier.

Power to
appoint
officers.

143.—(1) The Council 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 of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

PART IX.

LANDS.

Existing lands
of Council to
continue
vested in
them.

144. All lands vested in belonging to or used or enjoyed by the Council immediately before the commencement of this Act may be and continue to be held maintained and enjoyed by the Council.

145. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in 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.

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Persons under disability may grant easements &c.

146.—(1) The Council notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any land which in their opinion it is desirable the Council should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such land or for the payment of any capital sum payable under a lease thereof Provided that the Council shall not under the powers of this section purchase acquire take on lease or hold for the purposes of the gas undertaking any greater quantity of land than two acres in addition to the lands held by them for the purpose of that undertaking at the commencement of this Act.

Further powers for acquisition of land.

(2) No moneys shall be borrowed by the Council for the purposes of this section except with the consent of the Minister of Health and any moneys so borrowed shall be repaid within such period as may be prescribed by that Minister.

(3) When any lands purchased or acquired or taken on lease by the Council 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 made to the proper account in the books of the Council and pending such appropriation all expenses incurred by the Council under this section shall be payable out of the district fund and general district rate.

[Ch. xvii.] *Matlocks Urban* [17 & 18 GEO. 5.]
District Council Act, 1927.

A.D. 1927. (4) Nothing in this section shall authorise the Council—

(a) to create or permit any nuisance on any lands so appropriated; or

(b) to appropriate such lands to any purposes other than purposes for which and subject to the conditions under which they are for the time being authorised to acquire and use lands.

Power to
sell &c.
lands.

147.—(1) Notwithstanding anything in any other Act or Acts to the contrary the Council may retain hold and use for such time and for such purpose as they may think fit or may (subject to any restrictive covenant affecting the same) sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the district (other than the Housing Act 1925) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Provided that the Council shall not without the consent of the Minister of Health sell lease or exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(2) Provided that nothing in this section shall be taken to dispense with the necessity for obtaining the approval of any Government department to any alienation sale lease appropriation or other disposition of any lands acquired under any Act for which such approval would be required but for the provisions of this section.

(3) Nothing in this section contained shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed. A.D. 1927.

148.—(1) The Council 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 Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health. Proceeds of sale of surplus lands.

(2) Any capital moneys received by the Council 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 this Act are applicable or in such other manner as may be approved by the Minister of Health.

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

A.D. 1927. upon any lands for the time being leased to the Council
— for those purposes.

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

PART X.

STREETS BUILDINGS SEWERS AND DRAINS.

Elevation of buildings erected on front lands to require approval.

150.—(1) Where by reason of any improvement made by the Council any land shall become land which adjoins or abuts on any street the following provisions shall apply :—

- (i) All buildings or additions to buildings which may be erected on that land shall be erected in accordance with elevations approved by the Council;
- (ii) If the owner lessee or occupier of any such land shall construct—
 - (a) any door or entrance communicating with that street; or
 - (b) any wall or fence by the side of that street;he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Council;
- (iii) If the Council within six weeks after any plan or elevation shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Council shall be deemed to have approved of the plan or elevation.

(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.

(3) The Council shall make compensation to the owner of any land for any loss or damage he may suffer by reason of the setting back or bringing forward of such wall or fence.

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

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Erection
of building
to greater
height than
adjoining
building.

(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.

152.—(1) Every building erected after the commencement of this Act 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 tavern hotel hospital 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 Council under the circumstances of the case and the owner shall not permit such building to be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

Means of
escape from
buildings
in case of
fire.

(2) From and after the first day of July one thousand nine hundred and twenty-eight the Council in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital 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

A.D. 1927. — 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.

(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 Council make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Council provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Council 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 twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(b) Notice of the right to appeal shall be endorsed on every requirement of the Council 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 Council 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 Council under this section he may apply to the county court of Derbyshire holden at Matlock and thereupon the said county court after hearing the occupier may make such order as appears to the court just and equitable in all the circumstances of the case.

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(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 Council and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(8) This section shall not apply to premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or any enactment amending those sections 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) Where an existing building is newly converted after the commencement of this Act into flats it shall be deemed to be a new building within the meaning of this section.

153.—(1) The Council may by resolution declare that any sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may declare that any other sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for surface water (in this section called a "surface-water sewer").

Separate sewers for surface water and sewage may be required.

(2) Where under the provisions of any Act for the time being in force in the district the Council have power to require any streets to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of that Act shall apply to such sewers accordingly. Provided that the provisions of this subsection shall not be exercised unless and until the Council 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 separate sewage sewers and surface-water sewers shall have been provided (whether before or after the commencement of this Act) no sewage shall

A.D. 1927. — 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 Council.

(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 Council have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface-water drainage thereof and the Council may if they think fit make all such alterations.

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

154.—(1) If it appears to the Council 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 Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owner or owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners subject to a right of appeal under subsection (4) of this section.

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

(3) Provided that the Council shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage

of which plans shall have been previously approved by them. A.D. 1927.

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

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

Houses connected with single private drain.

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

156. It shall be lawful for the Council to fence round and enclose any portion of any street or of any place the soil of which is vested in the Council and which is or may be planted with grass or used as an ornamental ground :

Fencing of grass plots.

Provided that this section shall not apply to any common or commonable land and shall not be taken as empowering the Council to hinder the reasonable use

A.D. 1927. of the street by the public or any person entitled to
— use the same or as empowering the Council to exercise
their powers under this section in such a way as to create
a nuisance to any adjacent owner or occupier.

Exemption
for railway
companies.

157. The provisions of the sections of this Part of
this Act of which the marginal notes are—

Elevation of buildings erected on front lands to
require approval;

Erection of building to greater height than adjoining
building;

Means of escape from buildings in case of fire;

shall not extend or apply to any building (not being a
dwelling-house) railway 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 any such
company and used for the purposes (other than for a
dwelling-house) of their undertaking with the authority
of Parliament.

PART XI.

SANITARY.

Regulation
dustbins.

158.—(1) The Council may by notice in writing
require the owner or occupier of any dwelling-house ware-
house or shop in the district to provide portable galvanised
iron dustbins in lieu of ashpits or ashtubs or other recep-
tacles for refuse and such dustbins shall be of such size
and construction as may be approved by the Council.

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

(3) Any owner or occupier who fails within fourteen
days after notice given to him to comply with the
requirements of the Council under subsection (1) of
this section or who fails to comply with his obligations
under subsection (2) of this section shall be liable to a
penalty not exceeding twenty shillings and to a daily
penalty not exceeding five shillings.

(4) Provided that this section shall not apply to
any ashpits or ashtubs or other receptacles for refuse
in use at the commencement of this Act so long as the

same are of suitable material size and construction and in proper order and condition. A.D. 1927.

159.—(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 Council. Restriction as to use of dustbins.

(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.

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

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

PART XII.

FINANCE.

161. Subject to the provisions of this Act all statutory borrowing powers under any enactment repealed by this Act which are current and in force immediately before the commencement of this Act shall (notwithstanding the repeal by this Act of any Act or Order under which the same were created) continue to be in force as fully and effectually as if this Act had not been passed but so far as the same shall be exercised by the Council after the commencement of this Act shall have effect as if they were statutory borrowing powers granted by this Act and be exerciseable and exercised accordingly subject to the provisions of this Part of this Act. Borrowing powers of Council.

162.—(1) The Council may independently of any other borrowing power borrow at interest for paying the costs charges and expenses preliminary to and of and incidental to the promotion of this Act the sum requisite for that purpose and any such sum so borrowed by the Council shall be repaid by them within five years from the passing of this Act. Power to borrow.

(2) In addition to the moneys which the Council are by the foregoing provisions of this section authorised

A.D. 1927. — to borrow they may borrow such sums of money for the purposes of the tramways undertaking including the provision of a fund for working capital as the Minister of Transport may sanction and such sums of money for any other purposes of this Act or for any of the purposes of the several undertakings of the Council therein referred to including the provision of funds for working capital as the Minister of Health may sanction and any moneys borrowed under any such sanction shall be chargeable on the revenues of the Council and shall be repaid by the Council within the periods sanctioned by the Minister with whose consent the moneys are borrowed.

Repay-
ment of
authorised
loans.

163. The sums borrowed by the Council under the provisions of the Acts and Orders repealed by this Act which have not yet been repaid and also sums which may hereafter be borrowed thereunder shall notwithstanding such repeal be repaid within the respective periods (if any) within which they are required to be repaid by or under those provisions.

Applica-
tion of
moneys
borrowed.

164. All moneys borrowed by the Council under any statutory borrowing power shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable. Provided that moneys which may have been borrowed in excess of the amount required shall be applied in repayment of moneys borrowed or be paid into the sinking fund or shall be applied in such manner as the Council with the approval of the Minister of Health determine.

Council not
to regard
trusts.

165. The Council shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan borrowed given or issued by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register thereof shall from time to time be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Council shall not be bound to see to the application of the money

paid on any such receipt or be answerable or accountable for any loss mis-application or non-application of any such money. A.D. 1927.

166. A person lending any moneys to the Council shall not be bound to inquire as to the observance by the Council of any provisions of this Act 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. Protection of lender from inquiry.

167. The Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve fund (in this section referred to as "the lending fund") subject to the following conditions:— Use of moneys forming part of sinking and other funds.

(a) The moneys so used shall be repaid to the lending fund within the period 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 repayable. Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council 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 such interest shall be paid out

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of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :

- (c) The statutory borrowing power 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 re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Certain provisions of Public Health Acts not to apply.

168. In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act and any sums which the Council or their predecessors may have borrowed or may hereafter borrow under any enactment repealed by this Act containing a similar provision shall not be reckoned and the power of the Council of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Mode of raising money.

169. The Council may raise all or any moneys which they are authorised to borrow under this Act or under any enactment repealed by this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

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

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

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

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

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Mode of
payment
off of
money
borrowed.

172.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed after the commencement of this Act by virtue of any statutory borrowing power such sinking fund shall be formed and maintained by payment to the fund throughout the period prescribed for the repayment of the moneys so borrowed (hereinafter referred to as "the prescribed period") of either:—

Sinking
fund.

- (a) Such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or
- (b) (i) Such equal annual sums as will with accumulations at a rate not exceeding three and a half per centum per annum or such higher rate as the Minister of Health may from time to time approve be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed; and
- (ii) Such annual sums as are equivalent to interest on the amount which should from time to time be standing to the credit of the fund at the rate per centum per annum on which the annual payments to the fund under paragraph (i) hereof are based.

A sinking fund so formed is hereinafter called "an accumulating sinking fund."

(2) Every sum paid to a sinking fund shall (subject to the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds") unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security the

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District Council Act, 1927.

A.D. 1927. Council being at liberty from time to time to vary and transpose such investments.

(3) All interest on the investments of a sinking fund shall be carried by the Council to the credit of the district fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this section shall be paid by the Council in addition to the payments provided for by this section.

(6) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this section together with the probable accumulations thereon (if an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister of Health that any such increase is necessary the Council shall increase the payments to such extent as the said Minister may direct.

(7) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(8) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this section together with the probable accumulations thereon (if an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the

moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the said Minister be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed. A.D. 1927.

(9) If the amount in any sinking fund at any time together with the probable accumulations thereon (if an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of the said Minister discontinue the annual payments to such sinking fund until the said Minister shall otherwise direct.

(10) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Minister of Health may determine.

(11) The foregoing provisions of this section shall also apply with respect to any sinking fund formed by the Council for the repayment of any moneys borrowed before the commencement of this Act under any statutory borrowing power and the Council shall make such adjustments of any existing sinking fund and of their books and accounts relating thereto as the Minister of Health may sanction or require.

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

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

174.—(1) The Council shall have power— Power to re-borrow.
(a) to borrow for the purpose of paying off any moneys previously borrowed under any

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statutory borrowing power which are intended forthwith to be repaid; or

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

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

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

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

- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or
- (d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Power to use one form of mortgage for all purposes;

175.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(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 Council 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. A.D. 1927.

(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 Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council 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 public inspection during office hours at the said office without fee or reward and the clerk or other person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate 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.

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(9) There shall be kept at the office of the clerk 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 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 Council 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 estate 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 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.

Return
respecting
sinking
fund to
Minister of
Health.

176.—(1) The clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Council under any statutory borrowing power.

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

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Council 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 any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose 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 Council 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.

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177.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March nineteen hundred and twenty-eight the Council 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—

Consoli-
dated loans
fund.

- (a) all moneys borrowed by the Council whether by issue of stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose;
- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt; and
- (d) a sum or sums equal to the aggregate amount of all dividends or interest payable in each year

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on the stock mortgages or other securities issued in exercise of the statutory borrowing powers of the Council remaining outstanding;

and there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Council as aforesaid before the date as from which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Council—

(a) in the redemption of stock or any other securities issued by the Council the purchase of stock for extinction or the repayment of any moneys borrowed by the Council;

(b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council; and

(c) in the payment of dividends and interest on stock mortgages or other securities issued in the exercise of any statutory borrowing power of the Council and remaining outstanding;

and the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realized by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the interest arising from the investments thereof shall not except with the consent of the Minister of Health be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the commencement of this Act all stock of and loans to the Council and the dividends and interest thereon shall be charged indifferently on all the revenues of the Council 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 Council to the holders of stock or other securities of the Council shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Council 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. A.D. 1927.

178. Where more persons than one are registered as joint holders of any mortgage of the Council any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Council or the treasurer by any other of them. Interest on mortgages held jointly.

179.—(1) The Council 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. Scheme for fixing equated periods.

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

(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.

(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 Council as if the aggregate amount of the several loans relative to each

A.D. 1927. 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 Council may with the sanction of the Minister of Health and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council 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.

Receipt
in case of
persons not
sui juris.

180. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardians or committee of his estate shall be a sufficient discharge to the Council.

Evidence of
transfer
or trans-
mission of
securities.

181. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) 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.

Revenues
and ex-
penses of
trading
under-
takings.

182. All moneys received by the Council on account of the revenue of any of the trading undertakings (including the interest on any reserve fund authorised in connection therewith) in any year ending on a

thirty-first day of March subsequent to the thirty-first day of March one thousand nine hundred and twenty-eight shall be carried to and shall form part of the revenue for that year of the district fund and all payments and expenses made and incurred in respect of each of those undertakings in the same year shall be paid out of the district fund. A.D. 1927.

183.—(1) The Council may if they think fit maintain a reserve fund in respect of each trading undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding (except in the case of the tramways undertaking) a sum equal in the case of the gas undertaking to one fifth and in the case of a water undertaking and the entertainments undertaking respectively to one tenth of the aggregate capital for the time being expended by the Council upon the undertaking. Reserve funds.

(2) All interest received in any year from the investments of any reserve fund so formed shall be carried to and shall form part of the revenue for that year of the district fund but the reserve fund shall in that year be increased by a sum equal to the amount of such interest if and so far as the amount of the fund for the time being is less than the prescribed maximum.

(3) The reserve fund shall be applicable for the payment to the district fund in any year in which as shown by the accounts to be kept in pursuance of the provisions of the section of this Act of which the marginal note is "Separate accounts in respect of trading undertakings" the payments and expenses made and incurred in respect of the undertaking shall exceed the money received in respect of the same undertaking of a sum not exceeding the amount of such excess or for meeting any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof 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

A.D. 1927. — prescribed maximum and so from time to time as often as such reduction happens.

Separate accounts in respect of trading undertakings.

184.—(1) As from the thirty-first day of March one thousand nine hundred and twenty-eight the Council shall keep their accounts so as to distinguish capital from revenue and as regards the revenue account to show under a separate heading or division in respect of each of the trading undertakings on the one side all receipts (including the interest on any reserve fund authorised in connection therewith) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and costs of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Council for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) The amount (if any) paid to a reserve fund created by the Council in accordance with the provisions of the section of this Act of which the marginal note is "Reserve funds";
- (e) All other expenses (if any) of the undertaking properly chargeable to revenue:

Provided that in the case of the gas undertaking and the water 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 of the same undertaking 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 charges for the supply of gas and water respectively by the Council.

(2) The Council shall show in their accounts relating to any undertaking or purpose all items (including receipts and 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. . . . A.D. 1927.
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(3) In all cases in which the Council keep separate accounts for separate purposes they shall so far as may be reasonably practicable apportion between those accounts or carry to either of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried in order to show the financial position of each undertaking to which the accounts relate.

185.—(1) Any water rent or charge or gas account payable to the Council may be collected together with the general district rate and the same books may be used for the said rents charges accounts and rates. Water rent] and gas accounts may be collected with general district rate.

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

186. All expenses incurred by the Council in carrying into execution the provisions of this Act except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for may be paid out of the district fund and general district rate. Expenses of execution of Act.

PART XIII.

MISCELLANEOUS.

187.—(1) It shall not be lawful in any street in the district to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Council which consent shall be in writing and may be for such time and contain such terms and conditions as the Council think fit. Restrictions on use of advertising vehicles.

(2) Any person who acts in contravention of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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(3) Any person aggrieved under this section by the refusal of the Council to give such consent or by the terms or conditions attached to such consent may appeal to a court of summary jurisdiction within three clear days after the decision of the Council is notified to him in writing under the hand of the clerk provided he gives twenty-four hours' notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as they think fit.

Notice of the provisions of this subsection shall be given by the Council to any applicant for their consent under this section in the event of such consent being refused or granted subject to any terms or conditions.

Provisions
as to hoard-
ings and
structures
used for
advertising
purposes.

188.—(1) It shall not be lawful after the commencement of this Act to erect any hoarding board or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street or so near to any street that it might if not supported fall thereon without the consent of the Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such structure as the Council may determine.

(2) Any person who acts in contravention of any of the provisions of this section or who violates any conditions or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by the refusal of the Council to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Council is notified to him in writing under the hand of the clerk provided he gives twenty-four hours' written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable summarily as a civil debt.

Notice of the provisions of this subsection shall be given by the Council to any applicant for their consent under this section in the event of such consent being refused or granted subject to any terms or conditions.

(4) This section shall not apply to any board or similar structure or advertisement affixed to any railway station or premises of any railway company for the purposes of any such company. A.D. 1927.
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189. The Council may by notice in writing require the owner of any hoarding wall or similar structure used for advertising purposes whether erected before or after the commencement of this Act to maintain the same in good order and condition and if any paper or other material affixed for advertising purposes becomes detached forthwith to remove and clear away such paper or other material and if any owner shall neglect or refuse to comply with any such notice the Council may carry out the requirements thereof and recover from the owner any expense incurred by them in so doing. As to repair of hoardings.

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

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

192.—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1925 grant 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. Power to grant gratuities in certain cases.

(2) Every such 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 paid if he had continued in his office or service.

193. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience) Power to enter premises.

A.D. 1927. of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part X (Streets buildings sewers and drains) and Part XI (Sanitary) of this Act as if those purposes had been mentioned in the said section 102.

Penalty
on occupier
refusing
execution
of Act.

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

Authentica-
tion and
service of
notices &c.

195.—(1) Where any notice or demand under any local enactment requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under any local enactment 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.

In execut-
ing works
for owner
Council
liable for
negligence
only.

196. Whenever the Council or the surveyor under any local enactment execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person

in the absence of any negligence on the part of the Council or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

A.D. 1927.

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

As to
breach of
conditions
of consent
of Council.

198. All consents given by the Council under any local enactment shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council.

Consent of
Council to
be in
writing.

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

Apportion-
ment of
expenses in
case of joint
owners.

200. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Expenses
may be
declared
private
improve-
ment
expenses.

A.D. 1927.

—
Evidence of
appoint-
ments
authority
&c.

201. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be *prima 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.

Damages
and charges
to be settled
by justices.

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

Recovery of
demands.

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

Recovery of
penalties
&c.

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

Penalties
to be paid
over to
treasurer.

205. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or under any byelaw thereunder shall be

paid to the treasurer and be by him carried to the credit of the district fund. A.D. 1927.

206. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of any local enactment under which the Council or any of their officers are empowered to take proceedings may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the district. Informations by whom to be laid.

207. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictments &c.

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

209. All byelaws from time to time made by the Council under the powers of this Act (other than those made under Part III (Tramways)) shall be made under and according to the provisions contained in sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority. General provisions as to byelaws.

210. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of Part X (Streets buildings sewers and drains) Part XI (Sanitary) or this Part of this Act or by any conviction or order made by a court of summary jurisdiction under the said provisions may if no other mode of appeal is provided by this As to appeal.

A.D. 1927. — Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Council may in like manner appeal.

Application of section 265 of Public Health Act 1875.

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

Judges not disqualified.

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

Compensation how to be determined.

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

Compensation may be in land.

214. The Council when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent.

Inquiries by Minister of Health.

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

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

216. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I of the Board of Trade 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."

A.D. 1927.
 —
 Inquiries
 by Minister
 of Trans-
 port.

217. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Powers of
 Act cumu-
 lative.

218. Except as provided by Part VI (Mineral rights) of this Act nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Crown
 rights.

219. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council in the first instance out of the district fund and general district rate and ultimately may be paid out of money to be borrowed under the powers of this Act for that purpose.

Costs of Act.

PART XIV.

REPEAL.

220.—(1) Subject to the provisions of this Act the unrepealed provisions of the Acts specified in Part I of the Sixth Schedule to this Act and of the Orders

Repeal
 of Acts
 and annul-

A.D. 1927.
—
ment of
Amalgama-
tion Order.

specified in Part II of that Schedule and so much of the Acts specified in that Part as relates to the said Orders (all of which provisions are referred to in this Part of this Act as "the repealed Acts") are hereby repealed to the extent indicated in the third column of both Parts of that schedule:

Provided that—

- (a) the provisions of the Matlock Waterworks Act 1860 which were excepted from repeal by the Matlock Urban District Council Act 1898 as set forth at length in the Seventh Schedule to this Act shall form part of this Act and shall have and continue to have the same effect as if this Act had not been passed and as if the Council were therein referred to instead of the Company;
- (b) with regard to gas the repeal of the provisions of the repealed Acts relating to the price quality and pressure of gas the testing place the prescribed burners and the testing of the gas shall not take effect until the coming into operation of the sections of this Act set forth in the section of this Act the marginal note of which is "Date of commencement of certain sections of this Part of Act";
- (c) with regard to water the repeal of the provisions of the repealed Acts relating to the rates at which water is to be supplied by the Council for domestic purposes shall not take effect until the date upon which the section of this Act of which the marginal note is "Rates for water supply for domestic purposes" shall come into operation; and
- (d) the repeal of the respective sections of the Matlock Urban District Council Act 1898 and of the Matlock Bath Improvement Act 1905 indicated in the first column of the next following table shall not take effect until the day on which as a result of the passing by the Council of the prescribed resolution under the Public Health Act 1925 the respective sections of such last-mentioned Act indicated in the second column of the

said table shall have come into operation in relation to the district or until the day on which such resolution shall have been submitted to the Council and not passed whichever of the said days shall first happen (namely) :—

A.D. 1927.
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—	Public Health Act 1925. No. of Section.
Matlock Urban District Council Act 1898 } section 59 (Public drinking fountains and waterings for cattle &c.) and -	14
Matlock Bath Improvement Act 1905 } section 58 (Public drinking fountains)	
Matlock Urban District Council Act 1898 } section 61 (Trees or shrubs overhanging footpaths) - - - -	23
Matlock Bath Improvement Act 1905 } section 46 (Council may require enlarged sewer) - - - -	40
Matlock Bath Improvement Act 1905 } section 53 (Soil pipe to be ventilated) -	42

Provided also that section 14 of the Public Health Act 1925 if and when adopted as aforesaid shall have effect as if the following words were added to and formed part of that section :—

Nothing in this section shall empower the Council to erect any drinking fountain or trough for watering horses or cattle against or in the immediate proximity of any private dwelling-house warehouse counting-house shop or other building or the fence or wall of any garden or pleasure ground except with the consent of the owner or occupier thereof.

(2) The Amalgamation Order is hereby annulled but such annulment shall be deemed to be the repeal of an enactment for the purposes of the Interpretation Act 1889.

221.—(1) Notwithstanding the repeal of the repealed Acts and the annulment of the Amalgamation Order—

(a) all existing bonds mortgages annuities stock irredeemable stock bills or other securities granted payable or created by the Council or

Savings from effect of repeal.

A.D. 1927.

- by the Matlock Council or the Matlock Bath Council under any of the repealed Acts shall be and continue valid and available for all purposes and for and against all parties;
- (b) all property vested in the Council at the commencement of this Act shall continue vested in the Council and all acts works matters and things before the commencement of this Act done or commenced under the powers of the repealed Acts or any of them and which were at the commencement 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 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;
- (c) all actions arbitrations prosecutions and proceedings (including adjustments of property income debts liabilities and expenses under the provisions of the Amalgamation Order) by with or against the Council by reason of any matter or thing accruing or done before the commencement of this Act under or in execution of or in relation to the provisions of the repealed Acts or any of them or the Amalgamation Order may be continued commenced taken made or prosecuted by or against the Council as if this Act had not been passed;
- (d) any enactment in the repealed Acts or Amalgamation Order which altered or prescribed the boundaries of any district parish ward electoral division or other area or which abolished any such area or which made provision with regard to the Council or other local authority of any such area or in regard to the members of any such Council or authority shall continue to have effect as if this Act had not been passed;
- (e) all existing byelaws rules regulations orders and licences 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; A.D. 1927.

- (f) all rates rents tolls charges and other sums at the commencement of this Act due or accruing due to the Council may be collected and recovered by the Council as if this Act had not been passed;
- (g) all books and other documents which under any of the repealed Acts or the Amalgamation Order or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed;
- (h) any agreement or document relating to the provisions of any of the repealed Acts or the Amalgamation Order which are re-enacted in this Act shall be of full force and effect and shall be deemed to refer to the provisions contained in this Act dealing with the same subject matter.

(2) The mention of particular matters in this Part of this Act shall not be held to prejudice or affect the general application of section 38 (Effect of repeal in future Acts) of the Interpretation Act 1889.

222. Notwithstanding the annulment of the Amalgamation Order—

Saving
as to Amal-
gamation
Order.

- (1) The Haddon Hospital (County of Derby) Order 1897 and the Haddon District Hospital Committee (Regulation) Order 1913 shall continue to have effect as though throughout those Orders a reference to the Council were substituted for any reference to the Matlock Council or the Matlock Bath Council and a reference to the district were substituted for any reference to the Matlock Urban Sanitary District or the Matlock Bath Urban Sanitary District:
- (2) Nothing in this Part of this Act shall affect the date on which any urban district councillor elected in pursuance of Article 7 of the Amalgamation Order would otherwise retire.

A.D. 1927.

The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

EXISTING TRAMWAYS OF THE COUNCIL.

A tramway (four furlongs or thereabouts in length whereof thirty-six chains or thereabouts is single line and four chains or thereabouts is double line) wholly in the parish of Matlock in the county of Derby commencing in Crown Square Matlock Bridge at a point distant twenty-five yards or thereabouts south of the lamp in Crown Square Matlock Bridge aforesaid passing thence north-eastwardly along Bank Road and thence turning in a northerly direction into Rutland Street and terminating in Rutland Street at a point fifteen yards or thereabouts from the imaginary centre line of Wellington Street.

SECOND SCHEDULE.

MINISTRY OF TRANSPORT CABLE POWER REGULATIONS.

I. The carriages to be used on the tramways shall comply with the following requirements that is to say:—

- (a) Each wheel shall be fitted with a brake block which can be applied by a screw or treadle or by other means and each carriage shall in addition be fitted with an efficient emergency brake capable of being applied by the driver or conductor of the carriage;
- (b) A governor caged in and the cage kept locked so that it cannot be tampered with shall be attached to each stationary engine and shall be so arranged that at any time when the engine exceeds the number of revolutions sufficient to move the cable at a speed of five and a half miles an hour it shall cause the steam to be shut off;
- (c) Each carriage shall be numbered and the number shall be shown in a conspicuous part thereof;
- (d) Each carriage shall be fitted with a suitable wheel guard to push aside obstructions and each carriage shall be fitted with a special bell or other instrument to be sounded as a warning when necessary;

(e) Arrangements shall be made enabling the driver to command the fullest possible view of the road before him; A.D. 1927.

(f) Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriages and for their protection from the machinery used for drawing or propelling such carriages.

II. The cable and pulleys shall be so constructed maintained and worked as to be free from noise such as to constitute any reasonable ground of complaint either to the passengers or to the public.

III. The Minister of Transport and his officers may from time to time and shall on the application of the local authority of any of the districts through which the said tramways pass inspect the stationary engines cables or carriages used on the tramways and the machinery therein and may whenever they think fit prohibit the use on or in connection with tramways of any of them which in their opinion are not safe for use.

IV. The speed at which such carriages shall be driven or propelled along the tramways shall not exceed the rate of five and a half miles an hour.

V. The carriages shall not be allowed to descend the tramways by gravity alone but shall always be attached by the gripper to the cable except when stopping or when close to the termini.

VI. No carriage shall leave the depôt unless the grippers and the brake arrangements are in proper working order.

VII. The conductor shall not leave the rear platform of the carriage during its journey either ascending or descending.

VIII. No vehicle unless specially provided with gripper and emergency brake appliances shall be allowed to run on the tramways.

IX. The gripper wheel shall be removed from the trailing end of the car at the commencement of each journey and a cap fixed over the top of the gripper shaft from which the wheel has been removed.

X. The carriage on the upward journey shall in all cases be run as far as the depôt and shall not be allowed to finish the journey by standing for unloading or afterwards for loading on the steep gradient in Rutland Street.

A.D. 1927.
—THIRD SCHEDULE.
—LANDS ON WHICH THE COUNCIL MAY ERECT AND MAINTAIN
WORKS AND MANUFACTURE GAS AND RESIDUAL
PRODUCTS AND STORE GAS.

A piece of land situate in the parish of Matlock in the county of Derby containing five thousand three hundred and seventy-five square yards or thereabouts bounded on the north east and south by land belonging or reputed to belong to Mrs. Mary Ellen Pursglove and on the west by property or reputed property of the London Midland and Scottish Railway Company on the north side of and near to the Matlock Bath Railway Station.

FOURTH SCHEDULE.
—LANDS SITUATE IN THE KING'S FIELD IN THE SOKE
AND WAPENTAKE OF WIRKSWORTH IN THE COUNTY
OF DERBY BELONGING TO OR IN THE OCCUPATION
OF THE COUNCIL, AT THE COMMENCEMENT OF THIS
ACT.

PART I.

(a) A piece of land of which the Council are owners and lessees situate at Matlock Bath in the county of Derby extending along the north bank of the River Derwent and bounded on the south by the said river on the north by the main road leading from Buxton to Derby known as Derwent Parade on the east by property of the Home Brewery Limited and on the west by property of the executors of the late Samuel Robinson deceased which said piece of land is laid out as gardens and pleasure grounds known by the name of "the Promenade" and contains in the whole three roods thirty-seven poles or thereabouts.

(b) A piece of land of which the Council are lessees situate in the parish of Matlock in the county of Derby bounded on the north and west by the said River Derwent and on the south and east by property belonging to Richard Alleyne Arkwright and which said piece of land is laid out as pleasure grounds and is commonly known as "the Lovers' Walks" and contains in the whole seventeen acres two roods or thereabouts.

(c) Two pieces or parcels of land of which the Council are owners in fee situate at Matlock Bath aforesaid adjoining each

other known as "the Fishpond Land" and "the Ferry Ground" with the buildings thereon bounded on the east by the River Derwent on the west by the main road leading from Buxton to Derby and on the north and south by property of Harold Buxton and which contain two acres fifteen and a half poles or thereabouts. A.D. 1927.

(d) A piece or parcel of land of which the Council are lessees situate at Matlock Bath aforesaid known as "the South Ferry Ground" bounded on the east by the River Derwent on the west by the main road leading from Buxton to Derby on the north by property of Harold Buxton and on the south by property of Miss Matilda Pearson which contains in the whole one rood six and a half poles or thereabouts.

(e) A piece of land of which the Council are owners in fee and on which the gasworks of the Council are erected situate in the parish of Matlock in the county of Derby containing five thousand three hundred and seventy-five square yards or thereabouts bounded on the north east and south by land belonging or reputed to belong to Mrs. Mary Ellen Pursglove and on the west by property or reputed property of the London Midland and Scottish Railway Company on the north side of and near to the Matlock Bath railway station.

(f) A piece or parcel of land of which the Council are owners in fee situate in the parish of Matlock Bath in the county of Derby containing two thousand six hundred and thirty-nine square yards or thereabouts and commonly called or known by the name of "the Artist's Corner" bounded on the north by Dale Road on the south by the River Derwent and on the east and west by other property of the Council.

(g) A piece or parcel of land of which the Council are owners in fee situate at Matlock Bath aforesaid containing eight hundred and seventy-five square yards or thereabouts bounded on the north by property of Miss Pearson on the south by property of Mrs. Sarah Butchart on the east by Dale Road and on the west by the River Derwent.

(h) A piece or parcel of land of which the Council are owners in fee situate at Scarthin in the parish of Matlock Bath aforesaid containing nine hundred and ninety-two square yards or thereabouts bounded on the north by the main road leading through Scarthin on the east by properties belonging to Offilers Brewery Limited on the west by property belonging to Albert Crowther and on the south by the New Inn dam.

(i) A piece of land of which the Council are owners in fee situate in the Upper Wood in the parish of Matlock Bath aforesaid containing one thousand five hundred square yards or thereabouts bounded on all sides by land of George Henry Key.

A.D. 1927.

— (j) A piece of land of which the Council are owners in fee situate near the Temple Walk in the parish of Matlock Bath aforesaid bounded on the north by Temple Walk and property of Emma Barber on the south by property of Alfred and W. Glossop on the east by Temple Quarry the property of the Council and on the west by property belonging to Emma Barber and containing in the whole three hundred square yards or thereabouts.

PART II.

(k) All those pieces or parcels of land of which the Council are owners in fee known as the High Tor Recreation Grounds situate in Matlock aforesaid bounded on the north and east by lands belonging to Mr. Thomas Anthony Walton on the south by land belonging to Mrs. Mary Ellen Pursglove and on the west by the River Derwent and the Via Gellia Colour Company's works and contain in the whole thirty-two acres one rood and sixteen perches or thereabouts.

(l) All those pieces or parcels of land of which the Council are owners in fee known as the Pic Tor Pleasure Grounds situate in Matlock aforesaid bounded on the north by the River Derwent on the south by Pic Tor Lane on the east by land belonging to Mr. Thomas Anthony Walton and on the west by the River Derwent and contain in the whole four acres two roods and nineteen perches or thereabouts.

(m) All that piece or parcel of pleasure ground of which the Council are owners in fee situate in Matlock aforesaid known as Knowlstone Place Pleasure Grounds bounded on the north by the public road known as Knowlstone Place on the south by St. Giles Churchyard on the east by Stoney Way and on the west by the Hall Leys and Pic Tor Pleasure Grounds containing in the whole one acre or thereabouts.

(n) All those pieces or parcels of land of which the Council are owners in fee known as the Hall Leys Pleasure Grounds and Promenade situate in Matlock aforesaid bounded on the north by Causeway Lane on the south by the River Derwent and Bentley Brook on the east by Knowlstone Place Road and on the west by Crown Square.

FIFTH SCHEDULE.

A.D. 1927.

FORM OF MORTGAGE.

By virtue of the Matlocks Urban District Council Act 1927 and of other their powers in that behalf them enabling the Matlocks Urban District Council (hereinafter called "the Council") in consideration of the sum of

_____ pounds paid to the treasurer of the Council by _____ (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid 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 said sum of

_____ pounds 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 [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] on the

_____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the said principal sum of _____ pounds shall be repaid at the office of the Council in the said district [(subject as hereinafter provided) on the _____ day of _____ one thousand nine hundred and _____]:

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 mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively 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 herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this _____ day of _____ one thousand nine hundred and _____

[Ch. xvii.] *Matlocks Urban* [17 & 18 GEO. 5.]
District Council Act, 1927.

A.D. 1927.

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 called "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 Matlocks Urban District Council 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 trans-
 feree 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

SIXTH SCHEDULE.

PART I.—LOCAL ACTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
59 & 60 Vict. c. cxxiii.	The Matlock Bath Gas Act 1896	The whole Act.
61 & 62 Vict. c. clx.	The Matlock Urban District Council Act 1898.	The whole Act.
5 Edw. 7 c. cxlix.	The Matlock Bath Improvement Act 1905.	The whole Act.
10 Edw. 7 and 1 Geo. 5. c. xxvi.	The Matlock Bath and Scarthin Nick Urban District Council Act 1910.	The whole Act.

PART II.—PROVISIONAL ORDERS AND CONFIRMATION ACTS REPEALED. A.D. 1927.

Session and Chapter or Date.	Title or Short Title.	Extent of Repeal.
54 & 55 Vict. c. cxlviii.	The Matlock Tramway Order 1891	The whole Order.
62 & 63 Vict. c. cli.	The Matlock Urban District Tramway Order 1899.	The whole Order.
8 & 9 Geo. 5 c. xlv.	The Matlock Bath Order 1918	The whole Order.

SEVENTH SCHEDULE.

SECTIONS AND PROVISIONS OF THE MATLOCK WATERWORKS ACT 1860 EXCEPTED FROM REPEAL.

SECTION XIX.

At the request of the owner or occupier of any lands now supplied with water by or from the sources authorised to be taken and appropriated for the purposes of this Act, other than and except the lands and property hereinafter mentioned claimed to belong to Thomas Wildgoose and John Garton, the Company shall lay down such pipes and fix such troughs, or other vessels, as shall be suitable for supplying such lands with a sufficient quantity of water of the Company for the use of cattle depastured thereon, and shall supply such pipes and troughs with a sufficient quantity of water for the use of such cattle without making any charge to the owner or occupier for the same.

Company at the request of owners &c. to supply water to certain lands for cattle.

SECTION XX.

For the purpose of supplying Hurst Farm and the farmhouse, cottages, and buildings belonging thereto, situate in Matlock, and claimed to belong to Thomas Wildgoose, and the lands near or adjoining to that farm, and the dwelling-houses, malthouse, cottages, and buildings on those lands claimed to belong to John Garton, and situate near to Matlock Mill in Matlock, with water for the use thereof, the Company shall place and fix, and for ever thereafter maintain, upon the Hurst Farm, in such position as shall be agreed on between the Company and the said Thomas Wildgoose, or in case of their disagreement as shall be settled

As to supply of water to properties of Thomas Wildgoose and John Garton.

A.D. 1927. — by arbitration, a cistern capable of holding one hundred and fifty gallons, and shall connect such cistern with their reservoir by a one-inch leaden pipe, to be fixed in such reservoir at the same level as the main pipe of the Company will be fixed therein, and shall place and fix and for ever thereafter maintain at or near to the trough now being at the back of the malthouse before mentioned another cistern, also capable of holding one hundred and fifty gallons, and shall connect such cistern with the before-mentioned one-inch pipe by means of a three-quarters of an inch leaden pipe, and shall also place and fix sufficient troughs at or near to the watering places now being on the existing water-course running through the same farm and lands, and connect such troughs with the three-quarters of an inch pipe by branch pipes, all of which cisterns and troughs are to be provided with proper ball-taps to regulate the supply of water to the same, and the Company shall at all times supply the cisterns, pipes and troughs with a sufficient quantity of water for all purposes connected with the said farm and lands respectively.

SECTION XXI.

Penalty in case of neglect to supply such premises with water.

In case of any neglect or default by or in consequence of which the quantity of water for the use of Hurst Farm, lands, dwelling-houses, malthouse, and premises so claimed to belong to the said Thomas Wildgoose and John Garton as aforesaid shall not be duly supplied with water as aforesaid, the Company shall for every day on which such neglect or default shall occur forfeit and pay by way of penalty to the occupiers of the said farm, lands, dwelling-houses, malthouse, and premises, who may sue for the same in the county court of the district in which the same are situate, the sum of forty shillings, but such penalty shall not be incurred if the want of such supply shall arise from unavoidable cause or accident, or necessary repairs; and the Company shall make good, repair, and restore the works with all convenient speed.

SECTION XXII.

Farmhouses and buildings belonging to T. W. Evans Esq. and Thomas Ludlam to be supplied with water.

The owners and occupiers for the time being of the farmhouse and the buildings belonging to the Wolds Farm, claimed to belong to Thomas William Evans, Esquire, and of the farmhouse and buildings adjoining to Wolds Farm, claimed to belong to the trustees of Thomas Ludlam, deceased, may by pipes of a reasonable bore, to be fixed and placed by such owners and occupiers, convey water from the nearest troughs or other vessels fixed by the Company under any of the provisions of this Act, to those farmhouses and buildings for domestic and other ordinary uses, and also to the troughs now standing in any of the fields, belonging to the Wolds Farm.

SECTION XXIII.

A.D. 1927.

The owner or occupier of any farmhouse, land, dwelling-house, malthouse, cottage, or building, supplied with water under any of the provisions of this Act, shall not waste or permit any water so supplied to be wasted, or to be used for any other than the purposes for which the same is so supplied; and the Company may at all reasonable times enter into and upon the farmhouses, lands, dwelling-houses, malthouses, cottages, and buildings, to ascertain the use of the water, and to lay down, fix, examine, and repair such pipes, cisterns, and troughs.

Water not
to be
wasted.

SECTION XXIV.

The Company shall (by the ordinary channels now existing) supply all existing public watering-places in or upon the roads or highways which are now supplied by or from the sources authorised to be taken or appropriated for the purposes of this Act, with a sufficient quantity of water of the Company to answer the purpose for which the public have heretofore used water from those public watering-places.

Public
watering
places to be
supplied as
heretofore.

SECTION XXV.

The owner for the time being of the Wolds Farm, and every person authorised by him, may fish otherwise than with nets in any open reservoir belonging to the Company in or upon the Wolds Farm, and shoot over such open reservoir, and for such purposes may enter into and upon such open reservoir, and the embankments thereof, doing no damage to the water in the reservoir, embankments, or other works of the Company.

Reserving
rights of
fishing.

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