

**CHAPTER cvi.**

An Act to extend the boundaries of the borough of Bridgwater to empower the Corporation to acquire lands and execute street works and waterworks and to confer further powers upon the Corporation of the said borough in regard to their water and markets undertakings and the health local government and improvement of the borough and for other purposes.

A.D. 1928.

[3rd August 1928.]

**W**HEREAS the borough of Bridgwater in the county of Somerset is a municipal borough under the government of the mayor aldermen and burgesses of the borough of Bridgwater (in this Act called "the Corporation") and the Corporation acting by the council of the borough are the sanitary authority for the borough with the powers and obligations of an urban sanitary authority:

And whereas the unrepealed provisions of the local Acts specified in Part I of the First Schedule to this Act and of the Orders specified in Part II of that schedule are in force in the existing borough:

And whereas the parish of Bridgwater Without in the rural district of Bridgwater is situate in the administrative county of Somerset and adjoins the existing borough:

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—

And whereas it is expedient to alter and extend the boundaries of the existing borough so as to include within the borough parts of the parish of Bridgwater Without :

And whereas the existing borough is co-extensive with the existing parish of Bridgwater which forms part of the Bridgwater Union and the existing parish of Bridgwater Without forms part of the same union and it is expedient to alter and extend the boundaries of the existing parish of Bridgwater so as to include within that parish parts of the parish of Bridgwater Without :

And whereas it is expedient that the Corporation should be empowered to construct street widenings and improvements and new streets in the borough and acquire lands for those purposes and that further powers should be conferred upon them with respect to the acquisition of lands :

And whereas the Corporation are the owners of waterworks and supply water within the borough and in certain adjoining and neighbouring parishes and it is expedient to extend the limits of supply of the Corporation so as to include therein the borough as extended by this Act to authorise the construction of additional waterworks and to make further provision with regard to the water undertaking of the Corporation and the supply of water by them :

And whereas the Corporation are the owners of the markets undertaking within the borough and it is expedient that further powers should be conferred upon them with regard to that undertaking and to the fairs held within the borough :

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

And whereas it is expedient to make further provision with regard to the finances of the Corporation :

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows (that is to say) :—

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|  | £      |
|--|--------|
| For the construction of the new streets and street widenings and improvements by this Act authorised - - - | 4,097  |
| For the construction of the waterworks by this Act authorised - - -  | 10,200 |

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

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

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

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

## PART I.

### PRELIMINARY.

1. This Act may be cited as the *Bridgwater Corporation Act 1928.* Short title.

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

|      |                                  |  |
|------|----------------------------------|--|
| Part | I.—Preliminary.                  |  |
| Part | II.—Borough extension.           |  |
| Part | III.—Street works.               |  |
| Part | IV.—Waterworks and water supply. |  |

Division of  
Act into  
Parts.

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- Part V.—Lands.  
 Part VI.—Markets fairs and slaughter-houses.  
 Part VII.—Streets buildings sewers and drains.  
 Part VIII.—Infectious disease and sanitary.  
 Part IX.—Hackney carriages and police.  
 Part X.—Recreation grounds.  
 Part XI.—Common lodging-houses.  
 Part XII.—Baths.  
 Part XIII.—Financial.  
 Part XIV.—Miscellaneous.

Incorporation of Acts.

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

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

(a) Section 127 (Lands not wanted to be sold or in default to vest in owners of adjoining lands) of the Lands Clauses Consolidation Act 1845 is not incorporated with this Act;

(b) The bond required by section 85 (Promoters to be allowed to enter on lands before purchase on making deposit by way of security and giving bond) of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section;

(2) The Waterworks Clauses Act 1847 except—

(a) the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

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

(c) Section 83 (with respect to the yearly receipts and expenditure of the undertakers);

(3) The Waterworks Clauses Act 1863; and

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(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

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

Interpreta-  
tion of  
terms.

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

“ The borough ” means the existing borough of Bridgwater as extended by this Act;

“ The Corporation ” means as the context requires the mayor aldermen and burgesses of the existing borough or of the borough acting by the council;

“ The council ” means the council of the borough;

“ The town clerk ” “ the treasurer ” “ the surveyor ” “ the medical officer ” and “ the sanitary inspector ” mean respectively the town clerk the treasurer the surveyor the medical officer and the sanitary inspector of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

“ The local Acts ” means the local Acts specified in Part I of the First Schedule to this Act the Orders specified in Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to any of those Orders and each of the Acts and Orders specified in the said schedule is referred to in this Act as the Act or Order of the year in which it was passed or confirmed or made;

“ The county ” and “ the county council ” mean respectively the administrative county of Somerset and the county council of that county;

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“ The appointed day ” means the first day of April nineteen hundred and twenty-nine;

“ The borough map. ” means the map marked “ Map of the borough of Bridgwater as extended by the Bridgwater Corporation Act 1928 ” and signed in triplicate by the Right Honourable Baron Redesdale the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred one of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

“ The ward map ” means the map marked “ Map of the wards of the borough of Bridgwater as extended by the Bridgwater Corporation Act 1928 ” and signed in triplicate by the Right Honourable Baron Redesdale the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred one of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

“ The rural district ” and “ the rural council ” mean respectively the rural district of Bridgwater and the rural district council of that district;

“ The union ” and “ the guardians ” mean respectively the Bridgwater Poor Law Union and the board of guardians of that union;

“ The added part of Bridgwater Without ” means the parts of the existing parish of Bridgwater Without which are coloured brown on the borough map and “ the excluded part of Bridgwater Without ” means the remaining part thereof;

“ The parish ” means the existing parish of Bridgwater as altered by this Act;

“ The added area ” means the added part of Bridgwater Without;

- “ The Act of 1888 ” and “ the Act of 1894 ” mean respectively the Local Government Act 1888 and the Local Government Act 1894; A.D. 1928.
- “ The Municipal Corporations Acts ” means the Municipal Corporations Act 1882 and the Acts amending and extending the same and “ the Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;
- “ The Act of 1907 ” and “ the Act of 1918 ” mean respectively the Public Health Acts Amendment Act 1907 and the Representation of the People Act 1918;
- “ The Rating Act ” means the Rating and Valuation Act 1925;
- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;
- “ The tribunal ” means the tribunal to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- “ Existing ” in relation to any area altered by this Act means existing immediately before the appointed day;
- “ Local authority ” means a local authority as defined in section 3 of the Local Government and other Officers’ Superannuation Act 1922 and includes a standing joint committee of a county;
- “ Officer ” includes a servant and any person whose remuneration is paid by a local authority;
- “ The Minister ” means the Minister of Health;
- “ The street works ” means the street widenings and improvements and new streets by this Act authorised;
- “ The water undertaking ” means the water undertaking of the Corporation as from time to time authorised;

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- “ The water limits ” means the limits for the time being of the Corporation for the supply of water;
- “ The markets undertaking ” means the markets undertaking of the Corporation as from time to time authorised;
- “ Infectious disease ” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;
- “ Child ” means a person under the age of sixteen years;
- “ Sunday school ” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- “ Food ” has the meaning assigned to it by section 26 (Definition of “ food ”) of the Sale of Food and Drugs Act 1899;
- “ Daily penalty ” means a penalty for each day on which an offence is continued by a person after conviction;
- “ Hackney carriage ” has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus;
- “ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;
- “ Statutory security ” means any security in which trustees are for the time being by or under any



Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

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

“ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough or (until the date when the first new valuation list made under Part II of the Rating Act comes into force in the borough) the district fund and the general district rate of the borough;

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

## PART II.

### BOROUGH EXTENSION.

#### COMMENCEMENT.

5. This Part of this Act shall except so far as is otherwise herein expressly provided and except so far as there may be anything in the subject-matter or context inconsistent therewith come into operation on the appointed day :

Commence-  
ment of this  
Part of Act.

Provided that for the purposes of all proceedings preliminary or relating to any election to be held for any area constituted or affected by this Act in the year nineteen hundred and twenty-nine this Part of this Act shall operate from the date of this Act.

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## ALTERATION OF BOUNDARIES.

Extension  
of borough.

6.—(1) The boundary of the existing borough the area whereof is coloured pink on the borough map shall be altered so as to include in addition to that area the added part of Bridgwater Without.

(2) The boundary of the extended borough shall be that shown by the inner edge of the red line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough.

Borough  
and ward  
maps.

7.—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent by him within one month after the passing of this Act to the clerk of the county council to the clerk to the rural council to the clerk to the guardians to the Minister to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Electricity Commissioners and copies of the ward map so deposited and certified in like manner shall be sent within the said period to the Minister to the Registrar-General and to the Minister of Agriculture and Fisheries.

(2) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the contents of the borough map so far as it relates to the boundaries of the borough and the borough map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(3) All fees so received shall be carried to the credit of the general rate fund.

Alterations  
of parishes.

8. The added part of Bridgwater Without shall be added to the existing parish of Bridgwater.

## PROVISIONS CONSEQUENT ON ALTERATION.

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9. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of the number and boundaries of wards and the number of councillors the following provisions shall have effect:—

Municipal  
wards.

- (1) For the purposes of the election of councillors the borough shall be divided into two wards to be named respectively the North Ward and the South Ward:
- (2) Each of the said wards shall comprise that portion of the borough which is indicated by a separate colour and distinguished by the name of the ward on the ward map:
- (3) Nine councillors shall be assigned to each of the said wards:
- (4) The councillors representing the existing North Ward immediately before the appointed day shall be deemed on and after that day to represent the new North Ward as constituted by this Part of this Act:
- (5) The councillors representing the existing South Ward immediately before the appointed day shall be deemed on and after that day to represent the new South Ward as constituted by this Part of this Act:
- (6) If immediately before the appointed day a casual vacancy shall exist in the representation of either of the said wards the vacancy shall be deemed to exist in the representation of the said ward as constituted by this Part of this Act.

10. The persons who hold office immediately before the appointed day as mayor and aldermen of the existing borough shall on the appointed day become the mayor and aldermen of the borough and shall respectively retire from office on the day on which they would have retired from office if this Act had not been passed.

Existing  
mayor and  
aldermen.

11. For the purposes of the application to the borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added area shall be deemed to have always formed part of the borough.

County and  
Borough  
Councils  
(Qualifica-  
tion) Act  
1914.

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County  
electoral  
divisions.

**12.** Subject to the provisions of section 54 of the Act of 1888 and section 2 of the Representation of the People Act 1922—

(1) The added part of Bridgwater Without shall be separated from the Huntspill electoral division of the county :

(2) For the purposes of the election of county councillors the borough shall be divided into two electoral divisions of the county designated respectively the Bridgwater Northern Division and the Bridgwater Southern Division and such electoral divisions shall respectively be co-terminous with the areas respectively of the North Ward and the South Ward being the new municipal wards constituted under this Act :

(3) The person who immediately before the appointed day is—

(a) The county councillor for the existing Bridgwater Northern Division of the county shall be deemed to have been elected to represent the Bridgwater Northern Division of the county as constituted by this Act; and

(b) The county councillor for the existing Bridgwater Southern Division of the county shall be deemed to have been elected for the Bridgwater Southern Division of the county as constituted by this Act;

and shall retire on the day on which he would have retired if this Act had not been passed :

(4) The person who immediately before the appointed day is the county councillor representing the said Huntspill electoral division of the county shall continue in office and shall be deemed to have been elected to represent that division as altered by this Act and shall retire on the day on which he would have retired if this Act had not been passed.

Jurisdiction  
of borough  
justices &c.  
extended.

**13.**—(1) The powers and duties of the quarter sessions recorder clerk of the peace coroner and justices of the peace for the existing borough and of the clerk to those justices and of the police constables and other

peace officers of the existing borough shall extend to and apply throughout the borough: A.D. 1928.

Provided that—

- (a) every person committing an offence in any part of the added area prior to the appointed day shall be tried and dealt with as if this Act had not been passed;
- (b) every proceeding which prior to the appointed day has been begun by or before any justice or any coroner in relation to any matter arising in or concerning any part of the added area may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(2) The added area shall cease to form part of any petty sessional division of the county.

**14.**—(1) The town clerk and all other officers of the Corporation of the existing borough who hold office at the appointed day shall continue to be the town clerk and officers of the Corporation of the borough and shall hold their offices by the same tenure as on the appointed day.

Officers of  
Corporation  
continued.

(2) The auditors of the existing borough who are in office at the appointed day shall continue in office and shall for the purposes of the Municipal Corporations Acts be the borough auditors until the next ordinary day of election of borough auditors.

**15.** Subject to the provisions of this Act all property vested in the Corporation at the appointed day for the benefit of the existing borough not being property held for any charitable trust shall by virtue of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which at the date aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the date aforesaid attach to the Corporation in respect of the existing borough shall from and after that date attach to them in respect of the borough.

Corporation  
property &c.

**16.** Subject to the provisions of this Act and to any necessary adjustment so much of any sums borrowed by the Corporation as will at the appointed day be owing

Mortgage  
debts of  
Corporation.

A.D. 1928. and charged upon a fund or rate levied within the existing borough shall be charged upon the corresponding fund or rate to be levied within the borough and shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Local Acts  
and Orders.

17.—(1) Subject to the provisions of this Act the unrepealed provisions of the local Acts and any other local Act (including this Act) or of any other Provisional Order duly confirmed and affecting the existing borough or the Corporation (except such provisions (if any) as relate to the supply of electricity) as the same respectively are in force within the existing borough at the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof.

(2) The provisions of any protective enactment for the benefit of the county council or of the rural council (or the predecessors of either of those councils) contained in any local Act confirmation Act or Provisional Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the added area enure to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to such council (or their predecessors) as the case may be.

Bridgwater  
Port  
Sanitary  
Authority.

18. Subject to the provisions of any future order of the Minister the provisions of the order of the Local Government Board dated the twenty-first day of June eighteen hundred and ninety-four (and any amending order) relating to the constitution of the Bridgwater Port Sanitary Authority and providing for the apportionment of the expenses incurred by that authority and other matters shall be read and have effect as if references to the borough and the Corporation thereof were substituted therein for references applicable to the existing borough the Corporation thereof and the urban sanitary authority for the existing borough.

**19.**—(1) The provisions of the Baths and Wash-houses Acts 1846 to 1925 the Public Libraries Acts 1892 to 1919 the Public Health Acts Amendment Act 1890 and the Private Street Works Act 1892 which are in force in the existing borough shall be in force in and apply to the borough as if the same had been adopted for the borough.

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—  
Adoptive  
Acts.

(2) Such of the provisions of the Infectious Disease (Prevention) Act 1890 and of the Public Health Act 1925 as are in force immediately before the appointed day within the existing borough by virtue of an adoption by the Corporation of those provisions shall be in force in and apply to the borough.

(3) The provisions of any adoptive Act in force in the added area or any part thereof shall subject to the provisions of this section cease to be in force in any part of the added area.

(4) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force at the appointed day throughout the existing borough shall extend and apply to the added area and any such order in force on the day aforesaid in the added area shall save as hereinbefore provided cease to be in force in that area.

**20.** For the purposes of the Small Dwellings Acquisition Acts 1899 to 1923 the Corporation shall be the local authority for the borough.

Corporation  
to be local  
authority for  
certain Acts.

**21.** Subject to any order which the Minister or the Secretary of State may make after the appointed day the following provisions shall have effect as regards orders made under the Act of 1907 or the Public Health Act 1925 :—

Powers  
under Act  
of 1907 and  
Public  
Health Act  
1925.

(1) The provisions of any order made before the appointed day whereby any parts or sections of either of the said Acts are in force in the existing borough shall have effect as if any reference in that order to the borough as it existed at the date of such order extended and applied to the borough and as if the said parts or sections were accordingly declared to be in force in the borough :

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—

(2) Any other order under either of the said Acts which is in force at the appointed day throughout the existing borough shall extend and apply to the added area :

(3) The provisions of any order made before the appointed day and declaring to be in force in any part of the added area any parts or sections of either of the said Acts shall cease to apply to any such part and subject to the provisions of this section the parts or sections declared by any such order to be in force shall cease to be in force in any such part but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

Powers  
under Act  
of 1894.

**22.** The powers, duties and liabilities of a parish council under section 14 (Public property and charities) of the Act of 1894 conferred upon the Corporation by order of the Local Government Board dated the twenty-fourth day of November eighteen hundred and ninety-six shall be deemed to have been conferred upon the Corporation in respect of the area comprising the existing parish of Bridgwater :

Provided that an order may be made by the Minister under section 33 of the Act of 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of any existing parish affected by this Act as if this Act had not been passed.

Orders  
under Shop  
Hours Act  
1904 or  
Shops Act  
1912.

**23.** Any order made under the Shop Hours Act 1904 or under the Shops Act 1912 or any subsequent Act providing for the closing of shops and in force immediately before the appointed day in any area affected by this Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applied immediately before the appointed day.

Land  
Charges  
Act 1925.

**24.**—(1) The local registrar for the rural district under the Land Charges Act 1925 and the rules made thereunder shall within one calendar month after the appointed day supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to any premises situate within the added area and shall in respect thereof be entitled to such fees as are prescribed by the said rules.



(2) The local registrar for the borough shall within one calendar month after the receipt of the office copy mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate part of the local land charges register of the borough. A.D. 1928.

(3) Until the expiration of two calendar months from the appointed day the following provisions shall have effect in respect of all land in the added area:—

- (a) The local registrar for the borough shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the rural district;
- (b) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the rural district the application received by him together with the fees paid in respect thereof;
- (c) The local registrar for the rural district shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed;
- (d) Where a local land charge duly registered in the local land charges register of the rural council is in pursuance of this Act transferred from the register of the rural council to the register of the borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the local land charges register of the borough.

**25.**—(1) All byelaws made under the Public Health Acts and in force within the existing borough or within the added area immediately before the appointed day shall—

- (a) if made before the first day of January nineteen hundred and fifteen continue to apply to the

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existing borough or to the added area as the case may be for a period of three years after the appointed day (unless previously repealed or altered by the Corporation) but shall on the expiration of the period aforesaid cease to be in force within any part of the borough;

(b) if made on or after the first day of January nineteen hundred and fifteen shall continue to apply to the existing borough or to the added area as the case may be until they are repealed or altered by the Corporation.

(2) All other byelaws made by the Corporation or by the watch committee of the existing borough which immediately before the appointed day are in force throughout the existing borough shall extend and apply to the borough until such byelaws be altered or repealed. All byelaws other than those to which subsection (1) of this section applies made by the county council or by the standing joint committee of the county and in force immediately before the appointed day in any part of the added area shall on that day cease to be in force therein.

(3) In their application to the added area any byelaws or scale of charges made by the rural council shall have effect as if they had been made by the Corporation and as if the added area were referred to therein instead of the rural district.

(4) Any proceedings which if this Act had not passed might have been taken by the rural council for any offence committed before the commencement of this Part of this Act within the added area against any byelaws of the rural council may be taken by the Corporation.

(5) In this section "byelaws" includes any regulation scale of charges list of tolls or tables of fees or payments and the phrase "byelaws made under the Public Health Acts" means byelaws which under the Ministry of Health Act 1919 are subject to confirmation by the Minister whether made before or after the passing of that Act.

Urban  
powers &c.  
in excluded  
parts of  
parishes.

**26.** All the powers rights duties capacities liabilities and obligations of an urban district council and the powers in relation to the chargeability of expenses with which the rural council are invested in pursuance of any

order issued by the Local Government Board or the Minister under the Public Health Acts in respect of the existing parish of Bridgwater Without shall be deemed to vest in and attach to the rural council in respect of that contributory place as altered by this Act.

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**27.** Any byelaws under the Education Act 1921 or any enactment repealed by that Act which may be in force in the existing borough immediately before the appointed day shall apply to the borough until revoked or altered by the Corporation in substitution for any such byelaws which may be in force in the added area.

Education  
byelaws.

**28.** The Minister may on the application of the local authority of the added area (such application to be made in writing before the expiration of a period of two months from the passing of this Act) order that the total amount in the pound of the general rate to be made and levied upon rateable hereditaments situate in the added area shall be less than the total amount in the pound of the general rate to be made and levied upon hereditaments within that part of the borough which comprises the existing parish of Bridgwater by such sum or sums and for such period as may seem equitable to the Minister after considering any representations that may be made to him by the Corporation but any order made under this section shall not apply to or in respect of hereditaments situate in the added area and used as a railway constructed under the powers of any Act of Parliament for public conveyance.

Minister  
may order  
differential  
rating.

For the purpose of this section the expression "local authority" includes a parish council in addition to any other local authority as defined by section 4 (Interpretation of terms) of this Act.

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

- (1) The rural council shall cease to exercise any powers or discharge any duties within any part of the added area :
- (2) Subject to any necessary adjustment all property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation exclusively to any part of the added area

Powers  
property &c.  
of rural  
council.

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shall by virtue of this Act be transferred to and vest in the Corporation as urban authority:

- (3) Any property or liabilities vested in or attaching to the rural council in relation to any part of the added area conjointly with any other area shall be a matter for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

As to  
existing  
poor law  
orders.

**30.** All poor law orders in force immediately before the appointed day in the Bridgwater Union and applicable to the existing parish of Bridgwater shall extend and apply to the parish.

As to  
guardians.

**31.** Subject to the provisions of section 11 of the Poor Law Act 1927 the number of guardians for the parish shall continue to be seven and the persons who immediately before the appointed day are the guardians for the existing parish of Bridgwater shall be deemed to have been elected to represent the parish and shall continue in office until the date they would have retired if this Act had not been passed.

As to rural  
district  
councillors.

**32.** The persons who immediately before the appointed day are the rural district councillors and guardians for the existing parish of Bridgwater Without shall be deemed to have been elected to represent that parish as altered by this Act and shall continue in office until the date they would have retired if this Act had not been passed.

Powers &c.  
of parish  
council.

**33.—**(1) The parish council of the existing parish of Bridgwater Without shall be deemed to have been elected as and shall be the parish council of that parish as altered by this Act.

(2) Subject to the provisions of this Act—

- (a) Any powers and duties transferred by or under the Act of 1894 to the parish council of the existing parish of Bridgwater Without so far as regards the added area shall be vested in and imposed on the Corporation;
- (b) Any property or liabilities held or incurred by the parish council of the existing parish of Bridgwater Without in relation exclu-

sively to the added area or any portion thereof shall by virtue of this Act be transferred to and vest in or attach to the Corporation;

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- (c) Any property or liabilities held or incurred by the parish council of the existing parish of Bridgwater Without in relation to the added area or any portion thereof conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

**34.** Any reference in this Act to the provisions of the Education Act 1921 shall as respects any provision of that Act which may not be in operation at the appointed day be construed as a reference to the corresponding provision of the Education Acts 1870 to 1919 until such corresponding provision is repealed by the Education Act 1921.

Reference  
to Educa-  
tion Act  
1921.

#### SUPPLEMENTARY PROVISIONS.

**35.—(1)** As soon as practicable after the appointed day the rural council shall as regards any cash balance in their hands at the appointed day estimate the proportion thereof derived from contributions paid by the added area and subject to a deduction on account of undischarged liabilities in respect of the added area accruing up to the appointed day shall transfer such amount to the Corporation.

Apportion-  
ment of  
balances  
and sums  
received  
under  
precepts.

(2) Any sum received after the appointed day by the rural council under a precept issued before that day in respect of the added area shall be dealt with in the manner prescribed by subsection (1) of this section.

(3) The apportionment under this section of any balance or sum received shall be subject to review on an adjustment under this Act.

**36.** Section 62 (Adjustment of property and liabilities) of the Act of 1888 shall apply to any adjustment which may become necessary in consequence of this Act and for the purposes of such application that section shall have effect—

Adaptation  
of provisions  
as to adjust-  
ment.

- (a) As if in subsections (5) (6) and (7) thereof the expression "council" included any authority affected by this Act or by anything done in pursuance of this Act; and

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- (b) As if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister may sanction :

Provided that where the authority affected by this Act or anything done in pursuance of this Act are the guardians the said section 62 shall apply with respect to any necessary adjustment with the modifications specified in the Third Schedule to the Poor Law Act 1927.

Parochial  
adjust-  
ments.

**37.** For the purposes of the application of section 62 (Adjustment of property and liabilities) of the Act of 1888 to any adjustment which may become necessary in consequence of this Act so far as it relates to the alteration of the area of any existing parish that section shall have effect—

- (a) As if the general rate leviable under the Rating Act for the purposes of the said section as applied by this Act were substituted for any fund mentioned in the section; and
- (b) As if for subsections (6) and (7) of the said section there were substituted the subsections hereunder appended (that is to say):—

“ (6) If it is necessary for the purpose of  
 “ giving effect to any agreement or award for  
 “ an adjustment that any amount shall be  
 “ charged separately on a part only of any  
 “ rating area the agreement or award may  
 “ authorise the levying of that amount on  
 “ that part of the rating area as an addi-  
 “ tional item of the general rate in accord-  
 “ ance with the provisions of subsection (5)  
 “ of section 2 of the Rating Act;”

“(7) Any capital sum paid for the purposes of any adjustment or in pursuance of any order or award of an arbitrator shall be applied by such person in such manner and for such purpose as the Minister may authorise or direct.”

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**38.** In any adjustment between the Corporation and any council or other authority which may be made in consequence of this Part of this Act regard shall be had to the interest or share (if any) of the added area in any property which is retained by or transferred to such council or other authority if—

As to adjustments between Corporation and other authorities.

- (a) such council or other authority will thereby be relieved from providing accommodation; or
- (b) prior to the appointed day such property was subject to beneficial user by the inhabitants of the added area; or
- (c) such property or some part thereof is realisable; and due credit shall be given in such adjustment to the Corporation in respect of such interest or share (if any).

**39.** Any balances standing at the appointed day in the books of the guardians or the rural council to the credit or debit of the existing parish of Bridgwater Without shall be matters for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

Balances in accounts of guardians or rural council.

**40.** Subject to any adjustment all rates not collected at the appointed day and levied by the rating authority upon any hereditament situate in any parish affected by this Act shall be collected and recovered by the rating authority under the Rating Act in respect of the rating area in which the hereditaments will be situate by virtue of this Act or by other officers of such rating area last mentioned competent in that behalf.

Arrears of rates made by rating authorities.

**41.—(1)** In the preparation of the register to come into force on the fifteenth day of October nineteen hundred and twenty-eight so far as it relates to any area affected by this Act it shall be competent to the registration officer to frame the register in separate parts for each area which will constitute a registration unit after the appointed day instead of in separate parts for

Provisions as to register of electors.

A.D. 1923. — each area constituting a registration unit before the appointed day.

(2) If the register of local government electors for any electoral area affected by this Act is not so framed as to show the persons entitled to vote at an election or parish meeting to be held for an electoral division parish or ward or other voting area the registration officer of the parliamentary county of Somerset shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election or parish meeting.

(3) It shall be the duty of the town clerk and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the rural council for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by any registration officer for the purpose of any alteration or re-arrangement authorised by subsection (2) of this section.

(4) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable to give effect to the provisions of this section and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

Settlement  
of poor.

**42.**—(1) Every person who at any time before the appointed day has acquired or who immediately before the appointed day is in the course of acquiring a settlement in any existing parish affected by this Part of this Act by reason of residence birth or other qualification in any part of the added area shall be deemed to have acquired or to be in the course of acquiring a settlement in the parish as if the added area had always been part of the parish.

(2) For the purposes of this section consecutive periods of residence in any portions of an existing parish divided by this Act shall be aggregated and reckoned as continuous residence in that part of the existing parish in which the person was residing immediately before the appointed day.



**43.** For the purposes of the new valuation lists under the Rating Act the valuation lists approved under that Act for the existing parish of Bridgwater and the portions of the valuation lists so approved for the existing parish of Bridgwater Without and which relate to hereditaments in the added part of Bridgwater Without shall together form the valuation list of the parish.

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—  
Valuation  
lists.

**44.** For the purpose of summoning jurors and jury service any parish affected by this Part of this Act shall be deemed to continue unaltered until a new jurors' book comes into force.

As to jury  
service.

**45.** Every officer in office at the passing of this Act who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of fees or salary (and for whose compensation no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

Compensa-  
tion to  
existing  
officers.

**46.**—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of the last preceding section of this Act regard shall be had to the conditions and circumstances mentioned in subsection (1) of section 120 (Compensation to existing officers) of the Act of 1888 and the compensation shall not exceed the limit therein mentioned.

Determina-  
tion of  
compensa-  
tion.

(2) Any compensation payable under this Act to any officer shall be paid out of the general rate fund and general rate and the provisions of section 120 of the Act of 1888 shall apply subject to the following and any necessary modifications:—

- (a) Any reference in that section to the county council shall be construed as a reference to the Corporation;
- (b) References in that section to "the passing of this Act" shall be construed as references to the date on which the direct pecuniary loss commences;

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- (c) The expression in subsection (1) of that section "the Acts and rules relating to Her Majesty's Civil Service" shall mean the Acts and rules relating to Her Majesty's Civil Service which were in operation at the date of the passing of the Act of 1888;
- (d) The references in subsections (4) and (6) of that section to the Treasury shall be deemed to be references to the Minister; and
- (e) The words "any local authority as defined in the Local Government and other Officers' Superannuation Act 1922" shall be substituted for the words "the same or any other county council" in subsection (7) of that section.

(3) The compensation payable under this Act to an officer who immediately before the appointed day held two or more offices under any local authority or local authorities and who devoted the whole of his time to the duties of such offices shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

(4) In computing the time of service in any capacity of any officer for the purpose of determining the compensation to which he is entitled under this Act the Corporation shall take into account all the service of any such officer (after he has attained the age of eighteen years) in any capacity under any local authority whether such officer has been appointed annually or otherwise.

(5) If any officer was temporarily absent from his employment during the war whilst serving in His Majesty's forces or the forces of the allied or associated powers either compulsorily or with the sanction or permission of the local authority such period of temporary absence shall be reckoned as service under the local authority in whose employment he was immediately before and after such temporary absence. Provided that in the case of an officer who after the armistice voluntarily extended his term of service in the forces no period of absence during such extension shall be so reckoned.

(6) The Corporation may in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person or of the fact

that he had prior to his appointment served as a deputy assistant or clerk to any officer not holding a temporary appointment add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Act.

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(7) The provisions of the section of this Act of which the marginal note is "Compensation to existing officers" and the foregoing provisions of this section shall apply to a teacher employed in a public elementary school maintained by the local education authority at the passing of this Act as if he were an officer employed by the authority Provided that—

(a) In the case of a teacher employed in a public elementary school maintained but not provided by the authority the provisions with respect to an officer whose services are dispensed with shall only apply if such teacher be discharged by the authority or by the direction or with the consent of the authority (otherwise than for misconduct) within five years after the appointed day;

(b) In the application of subsection (7) of section 120 of the Act of 1888 in the case of a teacher to whom a compensation allowance has been granted in pursuance of this section service in a public elementary school maintained but not provided by a local authority shall be deemed to be service in an office under that authority.

**47.** No officer shall be entitled to receive compensation under this Act for any direct pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

Compensa-  
tion and  
superannua-  
tion.

**48.** No alteration effected by this Act shall cause to abate prejudicially affect or prevent any action cause of action or proceeding which at the appointed day is pending or existing by or against the rural council or the parish council of the existing parish of Bridgwater Without or any contract deed bond agreement or other

Savings for  
actions con-  
tracts &c.

A.D. 1928. instrument (subsisting at the appointed day) entered into or made by any such council or their predecessors :

Provided that—

- (i) Any action cause of action or proceeding which at the appointed day is pending or existing by or against any such council or meeting in relation exclusively to any part of the added area may be continued prosecuted and enforced by or against the Corporation; and
- (ii) All contracts deeds bonds agreements and other instruments (subsisting at the appointed day) entered into or made by any such council or meeting or their predecessors in relation exclusively to any part of the added area may be continued and enforced as fully and effectually as if instead of such council or meeting (or their predecessors) the Corporation had been a party thereto.

Saving for qualification of aldermen councillors &c.

**49.** An alderman councillor or guardian who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification by reason of the alterations of area made by this Act.

Saving for contribution orders and precepts.

**50.** Notwithstanding the alterations in the areas of parishes or district effected by this Act all contribution orders issued and precepts made before the appointed day shall be as valid in law as if this Act had not been passed.

Saving provisions.

**51.—**(1) Nothing contained in this Act shall—

- (a) be construed as restricting the powers of the Minister under the Acts relating to the relief of the poor or the powers of the Secretary of State the Minister the county council or the Corporation under the Act of 1888 or the Act of 1894;
- (b) affect the powers of the county council under section 31 (Division of constituency into polling districts and appointment of polling places) of the Act of 1918 or any order or scheme made by the county council for the

division of the parliamentary county of Somerset into polling districts and the appointment of polling places for parliamentary elections; A.D. 1928.

- (c) affect the powers of the county council for the division of the county into polling districts for the election of county councillors or (save as in this Act expressly provided) any existing order or scheme for that purpose or for naming the polling places at any such election;
- (d) affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment;
- (e) (save as in this section expressly provided) affect the provisions of the Rating Act;
- (f) affect land tax and for the purposes of Imperial taxes or duties other than land tax the provisions of the section in this Part of this Act whereof the marginal note is "Alterations of parishes" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year.

(2) The amount of the deduction to be allowed from the net annual value in respect of hereditaments in the added area belonging to class 3 specified in the first column of Part II of the Second Schedule to the Rating Act shall be thirty per centum.

### PART III.

#### STREET WORKS.

52. Subject to the provisions of this Act the Corporation may execute and construct in the lines and according to the levels shown on the deposited plans and

Power to  
execute  
street  
works.

A.D. 1928. sections the street works in the borough hereinafter described (that is to say):—

Work No. 1 The rounding off and improvement of the corner between Durleigh Road and Northfield commencing at a point on the northern side of Durleigh Road at the eastern boundary of No. 8 Durleigh Road and terminating in Northfield at the northern side of the entrance to No. 7 Durleigh Road;

Work No. 2 The rounding off and improvement of the corner between Durleigh Road and Northfield commencing at a point on the northern side of Durleigh Road at the western boundary of No. 5 Durleigh Road and terminating in Northfield at a point about two yards northwards from the entrance to No. 6 Durleigh Road;

Work No. 3 The rounding off and improvement of the corner between Northfield and Wembdon Road commencing at a point on the western side of Northfield about ten yards northwards from the southern entrance to No. 39 Northfield and terminating at a point on the southern side of Wembdon Road about three yards eastwards from the eastern boundary of No. 69 Wembdon Road;

Work No. 4 The rounding off and improvement of the corner between Northfield and Wembdon Road commencing at a point on the eastern side of Northfield about fourteen yards northwards from the south-west corner of the boundary wall of No. 38 Northfield and terminating on the south side of Wembdon Road at the western boundary of No. 57 Wembdon Road;

Work No. 5 A widening of Wembdon Road on its southern side and North Street on its south-western side commencing in Wembdon Road at a point about three yards southwards from the north-western corner of the boundary wall of No. 7 Wembdon Road and terminating in

North Street at the north-western pillar of the entrance to No. 43 North Street; A.D. 1928.

Work No. 6 A widening of the Penel Orliu on its south-eastern side between No. 37 Penel Orliu and Friarn Street;

Work No. 7 A widening of Saint Mary Street on its southern side between No. 17 Saint Mary Street and a point about one-third yard from the north-west corner of No. 13 Saint Mary Street;

Work No. 8 A widening of Penel Orliu and High Street on their northern sides between No. 4 Penel Orliu and No. 58 High Street;

Work No. 9 A widening of High Street on its northern side between No. 50 High Street and No. 46 High Street.

**53.** In the construction of the street works the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding three feet either upwards or downwards. Limits of deviation.

**54.**—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connection with the street works and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the street works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the street works or of crossing under or over the same or otherwise and may alter and remove any drinking troughs lamp-posts railings refuges or other structures erected upon any street or land within the said limits and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of gas or water in any main or Subsidiary works.

A.D. 1928. — pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

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

(3) 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.

Power to  
alter steps  
pipes areas  
&c.

**55.** Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains and the pipes or wires for the purpose of conveying water gas or electricity to any house or other place and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Temporary  
stoppage of  
streets.

**56.**—(1) The Corporation during and for the purpose of the execution of the street works may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or from any house in the street from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers bonâ fide going to or from any such house.



57. And whereas in order to avoid in the execution and maintenance of the street works injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

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Under-  
pinning of  
houses near  
street  
works.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as " the referee ") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1883 shall apply to the reference :
- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may

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and shall proceed forthwith so to underpin or strengthen the said house or building :

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

Carriage-  
way  
footway  
sewers and  
other works.

58. Subject to the provisions of this Act the Corporation may cause such parts of the street works to be laid out for carriageway and such parts thereof for

footway as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of or in connection with the street works.

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59. For the protection of the Bridgwater Gas Company (in this section referred to as "the undertakers") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the Corporation and the undertakers apply and have effect (that is to say):—

For pro-  
tection of  
Bridgwater  
Gas  
Company.

- (1) At least twenty-eight days before commencing any works by this Act authorised which may affect any mains pipes syphons tubes fittings or other apparatus (in this section referred to as "apparatus") of the undertakers the Corporation shall (except in case of emergency) deliver to the undertakers plans sections and particulars of the works so proposed to be executed describing the proposed manner of executing the same and a notice stating the date when it is proposed to commence such works:
- (2) If it should appear to the undertakers that such works will interfere with endanger or render useless or partially useless any of their apparatus or impede the supply of gas the undertakers may give notice to the Corporation to raise lower or otherwise alter the position of such apparatus or to support the same or to substitute temporarily or otherwise other apparatus or to lay additional new apparatus to connect up any apparatus or any part thereof rendered useless or partially useless by any such works of the Corporation in such manner as may be reasonably necessary and to lay or place under or over any apparatus cement concrete or other like substance and any difference as to the necessity of such lowering alteration support or substitution laying or placing cement concrete or other like substance (in this section referred

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—

to, as "protective works") shall be settled as hereinafter provided and all such protective works shall save as hereinafter provided be done and executed by and at the expense of the Corporation but to the reasonable satisfaction and under the superintendence if such be given of the engineer of the undertakers :

- (3) If the undertakers by notice in writing to the Corporation within fourteen days after the receipt by them of notice of the intended commencement by the Corporation of any such works of the Corporation so require the undertakers may by their own engineer or workmen do and execute such protective works so far as they affect the apparatus of the undertakers and the Corporation shall on completion thereof pay to the undertakers the reasonable expenses incurred by them in the execution of such protective works. The Corporation shall afford to the undertakers all reasonable facilities for the purpose of enabling the undertakers to carry out any such protective works specified in such notice. Provided that if for twenty-eight days after any such notice is given to the Corporation by the undertakers the undertakers neglect to proceed with all practicable diligence to carry out such protective works the Corporation may forthwith proceed with the works by this Act authorised as if such notice had not been given to them :
- (4) In the event of such plans sections and particulars so delivered to the undertakers as aforesaid not being objected to within twenty-eight days from the receipt thereof they shall be deemed to have been approved by the undertakers. The works to which the said plans sections and particulars respectively relate shall not be executed except in accordance therewith as approved by the undertakers or as determined by arbitration as hereinafter provided :
- (5) The Corporation shall not raise, sink or otherwise alter the position of any apparatus of the undertakers or alter the level of any street road

or other place in which any such apparatus is situate so as to leave over such apparatus a covering of less than three feet where the covering now existing is not less than three feet unless the Corporation shall in such case protect such apparatus from frost or injury by artificial covering to the reasonable satisfaction of the undertakers or more than five feet where the covering now existing does not exceed five feet or more than the existing covering where such existing covering exceeds five feet unless the Corporation in either of such last-mentioned cases provide special means of access to the same to the reasonable satisfaction of the engineer of the undertakers Provided that where the existing covering is less than three feet the Corporation shall not reduce the covering to less than that now existing :

- (6) The undertakers may where reasonably necessary employ watchmen or inspectors to watch and inspect any works by this Act authorised whereby any apparatus of the undertakers may be interfered with or affected during construction repair or renewal of any such works and the reasonable wages of such watchmen or inspectors shall be borne by the Corporation :
- (7) The Corporation shall pay to the undertakers the reasonable cost of and incident to the cutting off of any apparatus of the undertakers rendered derelict or unnecessary by the execution of any of the works by this Act authorised from any other apparatus of the undertakers and of and incidental to any other works or things rendered necessary in consequence of such apparatus being rendered derelict or unnecessary :
- (8) The reasonable expense of all repairs or renewals removals or refixings of any apparatus of the undertakers or any works in connection therewith which may at any time hereafter be rendered necessary either by reason of the exercise by the Corporation of the powers conferred upon them by this Act or by the acts or

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—

defaults of the Corporation their contractors agents workmen or servants or any person in the employ of them or any or either of them in the execution of the works by this Act authorised or rendered necessary by reason of any subsidence resulting from such works of the Corporation whether during the construction of the same or at any time thereafter shall be borne and paid by the Corporation :

(9) The Corporation in executing any works under this Act or in removing raising or otherwise altering the position of any apparatus of the undertakers shall make good all damage done by them to the apparatus or other property of the undertakers :

(10) The Corporation shall make reasonable compensation to the undertakers for any loss or damage which they may sustain by reason of any interference with their apparatus under the powers of this Act or of the construction failure or user of the works by this Act authorised or by the exercise by the Corporation of the powers conferred upon them by this Act or by the act or default of the Corporation or of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them in the execution of the works by this Act authorised The Corporation shall also indemnify the undertakers in respect of any penalties costs actions claims or demands arising out of any interference by the Corporation with the apparatus of the undertakers :

(11) It shall be lawful for the undertakers and the engineers workmen and others in their employ at all times when it may be necessary to enter upon the lands works and premises of the Corporation at any point or place where there is existing apparatus of the undertakers which may be affected by any of the works authorised by this Act and to do all such works in and upon such lands and premises as may be necessary for repairing maintaining or removing or replacing or extending such apparatus under or over the

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same lands and premises and notwithstanding the stopping up temporarily of any public street or place under the powers of this Act to exercise the same rights of access as they now enjoy to all or any apparatus of the undertakers situate in or under any such street or place Provided always that in so doing the undertakers their engineers or workmen or others in the employ of the undertakers shall not interrupt the user of any of the works of the Corporation by this Act or any other Act authorised :

Provided also that the undertakers shall make good and reimburse to the Corporation all damages to such works occasioned by the exercise of the powers by this subsection reserved to the undertakers :

- (12) Where the Corporation shall under the powers of this Act divert any road or footpath in which any apparatus of the undertakers is laid down or placed the undertakers may if the same be reasonably necessary lay down or place new apparatus in the new portion of road or footpath and connect the same with the apparatus laid or placed in the said road or footpath at the commencement and termination of the diversion ;

The Corporation shall on demand repay to the undertakers the reasonable cost of providing such new apparatus and the costs charges and expenses reasonably incurred by the undertakers in or in connection with the laying down or placing of the same and the formation of such connections and thereupon the apparatus of the undertakers laid down or placed in the existing road or footpath between the commencement and the termination of the diversion thereof shall become the property of and vest in the Corporation Provided that if the new apparatus so laid down or placed by the undertakers shall be of larger size than that of the existing apparatus in the diverted road or footpath the Corporation shall only be required to repay to the undertakers such proportion of

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the cost of providing and laying down or placing the new apparatus as shall represent the cost which would have been incurred by the undertakers in providing and laying down or placing apparatus of similar size to that of the said existing apparatus:

- (13) Any difference which shall arise under this section between the Corporation and the undertakers or their respective engineers shall be referred to and settled by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

## PART IV:

## WATERWORKS AND WATER SUPPLY.

Power to  
make  
waterworks.

60.—(1) Subject to the provisions of this Act the Corporation may wholly in the county of Somerset and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following waterworks shown on the deposited plans and sections (that is to say) :—

Work No. 1 An intake and chamber (No. 1) to be situate in the parish of Asholt in the rural district on the stream adjacent to the northern boundary of the enclosure numbered 166 on the  $\frac{1}{2500}$  Ordnance map Somerset second edition 1904 sheet LX-2;

Work No. 2 A line or lines of pipes (No. 1) commencing in the parish of Asholt at or in the intake and chamber (No. 1) and terminating in the parish of Spaxton in the rural district in the enclosure numbered 434 on the before-mentioned Ordnance map sheet XLIX-15;

Work No. 3 An intake and chamber (No. 2) to be situate partly in the parish of Bishop's Lydeard in the rural district of Taunton and partly in the parish of Spaxton on the stream on the



northern boundary of the enclosure numbered 760 on the before-mentioned Ordnance map sheet LX-3; A.D. 1928.

Work No. 4 A line or lines of pipes (No. 2) commencing in the parish of Spaxton at or in the intake and chamber (No. 2) passing thence into and through the parish of Bishop's Lydeard and the parish of Asholt and terminating in the parish of Spaxton in the enclosure numbered 434 on the before-mentioned Ordnance map sheet XLIX-15 by a junction with the line or lines of pipes (No. 1) at the termination thereof;

Work No. 5 An intake and chamber (No. 3) to be situate in the parish of Spaxton on the stream or watercourse in the enclosure numbered 753 on the before-mentioned Ordnance map sheet LX-3;

Work No. 6 A line or lines of pipes (No. 3) commencing in the parish of Spaxton at or in the intake and chamber (No. 3) passing thence into and terminating in the parish of Bishop's Lydeard in the enclosure numbered 725 on the before-mentioned Ordnance map sheet LX-3 by a junction with the line or lines of pipes (No. 2);

Work No. 7 A line or lines of pipes (No. 4) commencing in the parish of Spaxton in the enclosure numbered 434 on the before-mentioned Ordnance map sheet XLIX-15 by a junction with the line or lines of pipes (No. 1) at the termination thereof and passing thence into and through the parish of Charlinch in the rural district and terminating in the parish of Spaxton in the enclosure numbered 81 on the before-mentioned Ordnance map sheet XLIX-8 at or near the existing Ashford pumping station of the Corporation.

(2) In addition to the foregoing works the Corporation may upon the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or

A.D. 1928. — either of them or necessary or expedient for the purposes of obtaining raising collecting storing filtering and distributing water but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation for waterworks.

**61.** In the construction of the waterworks authorised by this Act the Corporation may deviate laterally from the lines or situations thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels of the waterworks as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that except for the purpose of crossing over a stream no part of the before-mentioned line or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of works under this Part of this Act.

**62.** If the waterworks are not completed within the period of ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed unless the said period be extended by order of the Minister which order he is hereby empowered to make :

Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant as and when occasion may require.

Power to take waters.

**63.** Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking the waters of all such springs streams and waters (whether above or underground) situate or flowing within the drainage area of the Spaxton stream as may be intercepted by the waterworks authorised by this Act or any supplementary or ancillary works constructed in connection therewith.

**64.** The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any land within the drainage area of their waterworks and the works by this Act authorised with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be used diverted and appropriated by the Corporation flowing to and upon or from such lands directly or derivatively into such works.

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Power to  
agree as to  
drainage of  
lands &c.

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

Additional  
lands and  
works for  
protection  
of sources  
of supply.

(2) The Corporation may on any lands held for the purposes of the water undertaking execute for the purpose of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

**66.** The Corporation shall not construct any works for taking or intercepting water from any lands 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.

Limiting  
powers of  
Corporation  
to abstract  
water.

**67.** Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the county council shall unless otherwise agreed

For pro-  
tection of  
county  
council.

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- (1) Before the Corporation take any water through intake (No. 1) authorised by this Act they shall construct at or in connection with the said intake to the reasonable satisfaction of the county council a gauge weir across the Durborough stream:
- (2) The Corporation shall at all times allow to pass and flow down the Durborough stream one-quarter of the water flowing over the said gauge weir:
- (3) The Corporation shall concurrently with the construction of the intake authorised by this Act first constructed by them provide and maintain a trough with a pipe connecting the same with the line of pipes (No. 4) authorised by this Act in the field numbered 343 in the parish of Spaxton on the  $\frac{1}{2500}$  Ordnance map Somerset second edition 1904 sheet No. XLIX-15 and so soon (after the Corporation shall have commenced and continue to take water by means of any of the works authorised by this Act) as the flow of water in the Spaxton stream through the field numbered 370 in the said parish of Spaxton on the said sheet of the said Ordnance map shall be reduced to such an extent as to be in the opinion of the county council insufficient for the purposes for which the county council or their tenants are entitled to use the waters of the said stream in connection with any lands belonging to the county council any parts of which abut upon the said stream the Corporation shall upon receiving notice in writing from the county council requiring them to do so fill the said trough and keep the same filled with water at all times free of cost to the county council:
- (4) In the event of its being determined by agreement between the county council and the Corporation or by arbitration as in this section provided that the flow of water in the Spaxton stream through the said field numbered 370 has been reduced to such an extent as to be insufficient for the purposes referred to in subsection

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—

- (3) of this section the Corporation shall provide and thereafter maintain not less than four troughs at such points on the said lands not being in each case more than ten yards from the line of pipes (No. 4) authorised by this Act as may reasonably be required by the county council and shall at all times thereafter keep the same filled with water free of cost to the county council :
- (5) After it shall have been determined under subsection (4) of this section that the flow of water in the Spaxton stream is insufficient for the purposes referred to in that subsection and until the troughs referred to in that subsection shall have been provided the Corporation shall restrict the amount of water which they may take by means of the works authorised by this Act to such an extent as may be agreed between the Corporation and the county council or determined by arbitration as in this section provided :
- (6) Before taking any water by means of the intake (No. 2) authorised by this Act the Corporation shall provide and maintain a trough in the field numbered 760 in the parish of Spaxton on the  $\frac{1}{2500}$  Ordnance map Somerset second edition 1904 sheet LX-3 and shall keep the same at all times thereafter filled with water free of cost to the county council :
- (7) Every trough to be provided by the Corporation in accordance with the foregoing provisions of this section shall be not less than twelve feet in length two feet wide and one foot deep and shall otherwise be so constructed as the county council may reasonably require :
- (8) The county council shall grant to the Corporation all reasonable facilities for the construction of the said troughs and the connections therewith including the easements therefor free of cost to the Corporation :
- (9) In case of any neglect on the part of the Corporation to maintain the said gauge in a state of efficiency and in case of any other neglect by or in consequence of which the quantity of

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water referred to in subsection (2) of this section shall not flow down the Durborough stream the Corporation shall for every day on which such neglect occurs forfeit and pay to the county council (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by the county council or their tenants in consequence thereof :

- (10) If any difference arises between the Corporation and the county council with respect to the construction or use of the said gauge or the state of repair of any part thereof or with regard to any other matter under this section such difference shall be referred to the arbitration of an engineer to be agreed upon between the Corporation and the county council or failing agreement to be nominated on the application of either of them by the President of the Institution of Civil Engineers.

For protection of rural council.

**68.** For the protection of the rural council the following provisions shall have effect unless otherwise agreed in writing between the Corporation and the rural council and subject to any variations thereof which may be so agreed in writing :—

- (1) In this section the expression “the joint works” means the following works mentioned in the section of this Act whereof the marginal note is “Power to make waterworks” :—

Intake No. 1 (Work No. 1)

Intake No. 2 (Work No. 3)

Intake No. 3 (Work No. 5)

Pipe line No. 1 (Work No. 2)

Pipe line No. 2 (Work No. 4)

Pipe line No. 3 (Work No. 6)

and such part of pipe line No. 4 (Work No. 7) as will be situate between the termination of the said pipe line No. 1 and the point (in this section called “the Pertwater point”) where the line of the said pipe line No. 4 crosses the road known as Pertwater Hill together with all proper ancillary works including measuring and apportioning apparatus in connection therewith by this Act authorised :

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(2) The Corporation when constructing the joint works shall construct the same to the reasonable approval of the rural council and of such capacity and in such manner as to be capable of providing at the Pertwater point a supply of water of six hundred thousand gallons per day at a pressure equivalent to an elevation of four hundred feet above Ordnance datum. The said works after construction shall be maintained by the Corporation to the reasonable approval of the rural council:

(3) The Corporation when constructing the joint works shall—

(a) construct the said intake No. 1 and the works connected therewith so that not more than one-quarter of the quantity of water flowing over the gauge weir referred to in subsection (1) of the section of this Act whereof the marginal note is "For protection of county council" shall be allowed to pass and flow down the Durborough stream below the said intake No. 1 except when the remainder of the said quantity exceeds the aggregate of the quantities which the Corporation and the rural council for the time being desire to take from that intake in pursuance of subsection (4) of this section; and

(b) construct the said intake No. 2 and the works connected therewith so that the quantity of water which shall be allowed to pass and flow down the stream below the said intake No. 2 shall be limited to such quantity not exceeding one-quarter of the flow immediately above the said intake No. 2 as shall in the opinion of the Corporation be required in order to prevent undue interference with riparian interests except when the remainder of the said flow exceeds the aggregate of the quantities which the Corporation and the rural council for the time being desire to take from that intake in pursuance of subsection (4) of this section:

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- (4) After the completion of the construction of the joint works the rural council shall be entitled to take therefrom such quantity as they may require not exceeding one-third of the total quantity of water thereby made available at the Pertwater point and the Corporation shall be entitled to take from the joint works two-thirds of the said total quantity and any further part thereof not for the time being required and taken by the rural council :
- (5) The separate works of the Corporation and the rural council respectively provided for the purpose of taking water from the joint works at the Pertwater point and any ancillary works in connection therewith shall be so designed that a pressure not less than that mentioned in subsection (2) of this section shall be maintained at the Pertwater point :
- (6) Within three months after the completion of the construction of the joint works the rural council shall pay to the Corporation an amount equal to one-third of the total expenditure incurred by the Corporation for or in connection with the construction of the joint works including all compensation payable in relation thereto and including also any interest paid or payable by the Corporation down to the date of such completion upon any moneys borrowed and applied by them for the purposes of such expenditure Provided that if the rural council within two months after the completion of the said construction so decide and notify their decision in writing to the Corporation they shall be entitled instead of paying the said amount as a capital sum to discharge the same by instalments of capital and sums of interest payable at intervals of six months of such amount as would require to be paid by the Corporation in respect of the moneys borrowed or to be borrowed by them for discharging one-third of the total expenditure incurred by them as aforesaid if such moneys had been borrowed with the consent of the Minister under subsection (2) of the section of this Act whereof the marginal note is " Power to borrow " and were repayable over the longest



period the Minister would be likely to prescribe under that subsection : A.D. 1928.

Provided further that if the amount of any compensation payable in respect of the abstraction of water or otherwise in relation to the joint works be not ascertained within the said period of three months the said capital sum or instalments as the case may be payable by the council to the Corporation shall be subsequently adjusted so as to provide that the council shall pay their due proportion of such compensation :

(7) Subsequently to the completion of the construction of the joint works the rural council shall within three months after the expiration of every financial year pay to the Corporation an amount equal to one-third of the cost of maintenance and working expenses and any other expenses on revenue account incurred by the Corporation in connection with the joint works during that year :

(8) (a) If the construction of the joint works shall not forthwith be entered upon by the Corporation for their own purposes but shall be postponed the rural council may if they think fit at any time by notice in writing to the Corporation require the Corporation to construct for the benefit of the rural council a portion of the joint works (which portion is hereinafter referred to as "the preliminary works") and thereupon the Corporation shall proceed to construct and shall execute and complete the preliminary works with all reasonable dispatch and to the reasonable approval of the rural council and of the capacity and in the manner provided under subsection (2) of this section in the case of the joint works :

(b) The preliminary works shall include such of the works to be comprised in the joint works as may be specified by the rural council in the said notice and they shall be maintained by the Corporation to the reasonable approval of the rural council for the purposes of affording to the rural council at the Pertwater point such quantity of water as may be required by the

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rural council and notified by them to the Corporation in the said notice not being more than the aggregate of the quantity to which the rural council would be entitled on the completion of the joint works and the quantity for the time being required by the Corporation for the supply of the parish of Spaxton as hereafter in this subsection mentioned :

(c) Within three months after the completion of the construction of the preliminary works the rural council shall pay to the Corporation an amount equal to the aggregate of the following sums :—

(i) One-half of the actual cost of execution (including purchase of lands and easements) of such part of the said pipe line No. 4 as is comprised in the preliminary works;

(ii) The whole of the actual cost of execution (including purchase of lands and easements) of the remainder of the works comprised in the preliminary works;

(iii) One-third of the cost of purchase of any water rights and other rights required for the purposes of this section and of any compensation (other than compensation in respect of the purchase of lands or easements) payable by the Corporation in connection with the taking of water for the purposes of this section;

(iv) Any interest paid or payable by the Corporation down to the date of such completion upon any moneys borrowed and applied by them for providing the said sums :

Provided that if the Council within two months after the completion of the said construction so decide and notify their decision in writing to the Corporation they shall be entitled instead of paying the said amount as a capital sum to discharge the same by instalments of capital and sums of interest payable at intervals of six months of such amount as would require to be paid by the Corporation in respect of moneys borrowed or to be borrowed by them for discharging the said amount if such moneys had

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been borrowed with the consent of the Minister under subsection (2) of the section of this Act whereof the marginal note is "Power to borrow" and were repayable over the longest period the Minister would be likely to prescribe under that subsection:

(d) Subsequently to the completion of the construction of the preliminary works the rural council shall within three months after the expiration of every financial year pay to the Corporation the whole of the cost of maintenance and working expenses and any other expenses on revenue account incurred by the Corporation in connection with the preliminary works during that year:

(e) After the completion of the construction of the preliminary works the rural council shall be entitled to take therefrom the quantity of water thereby made available at the Pertwater point or the quantity notified by the rural council to the Corporation in accordance with paragraph (b) of this subsection whichever shall be the less. Provided nevertheless that if the Corporation shall so require throughout all such time during the said period as the Corporation shall so require the rural council shall supply to the Corporation out of the said quantity of water such part thereof as the Corporation may from time to time require for the supply of the parish of Spaxton and the Corporation shall pay the rural council for any water so supplied on the basis of the prime cost thereof plus ten per centum thereon. The payments so to be made by the Corporation in respect of the water so supplied during any financial year shall be made within three months after the expiration of such financial year. The point at which the said supply shall be delivered by the rural council to the Corporation shall be settled by agreement between the Corporation and the rural council or failing such agreement by arbitration as hereafter in this section mentioned. For the purposes of this paragraph the prime cost of the water supplied

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during any financial year shall be deemed to mean such proportion of the expense falling upon the rural council in that financial year in respect of instalments of capital and sums of interest and cost of maintenance and working expenses and other expenses on revenue account in respect of the preliminary works as the quantity of water so supplied by the rural council to the Corporation during that financial year bears to the total quantity of water for which the preliminary works are required by the rural council to be constructed in accordance with the notification referred to in paragraph (b) of this subsection :

- (9) If after having constructed the preliminary works the Corporation subsequently proceed with the construction of the remainder of the joint works then as from the date of the completion of such remainder of the joint works the provisions of subsection (8) of this section shall cease to operate and the total expenditure incurred by the Corporation for or in connection with the construction of the preliminary works and the remainder of the joint works including all compensation payable in relation thereto shall be pooled and dealt with in manner provided under subsection (6) of this section any payments the rural council may then already have made to the Corporation under paragraph (c) of subsection (8) of this section for the aggregate of the sums referred to in sub-paragraphs (i) (ii) (iii) and (iv) of the said paragraph (c) or in respect of instalments of capital under the proviso to the said paragraph (c) being treated for the purpose of such pooling as payments on account of the one-third of total expenditure payable by the rural council under subsection (6) of this section or on account of the instalments of capital payable by the rural council under the proviso to the said subsection (6) (as the case may be) and in other respects the joint works as thus completed shall thereafter be dealt with under this section in the same manner as if the whole of them had been constructed at one time :

(10) Any dispute or difference which may arise between the Corporation and the rural council with respect to the meaning or effect of this section or any rights obligations or liabilities of the Corporation or the rural council thereunder shall be determined by arbitration by a single arbitrator to be agreed upon between the Corporation and the rural council or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties in difference and save as aforesaid the provisions of the Arbitration Act 1889 or any statutory modification thereof for the time being in force shall apply to such arbitration.

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69. The waterworks and all lands acquired by the Corporation for the purposes of the water undertaking under the powers of this Act shall for all purposes form part of and be comprised in the water undertaking.

Waterworks  
to form part  
of water  
under-  
taking.

70.—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse and for that purpose the Corporation may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this Act shall with the necessary modifications apply thereto.

Temporary  
discharge of  
water into  
streams.

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

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

71. At any time after the coming into force within the limits of supply of new valuation lists made under Part II of the Rating Act the Minister may on the application of the Corporation by order amend section 18

Power to  
Minister to  
alter basis  
and scale of  
water rates.

A.D. 1928. — of the Act of 1877 by substituting for the scale of rates mentioned in that section a new scale of rates based on the net annual value of the premises supplied with water and make such adaptations in the provisions of the Act of 1877 as may be consequential on or incidental to the alteration of the basis of the scale of rates and shall fix the date when the new scale of rates shall come into force.

Limit of pressure.

**72.** The water supplied by the Corporation within any part of the water limits need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir or other source from which the supply for that part of the water limits is taken.

Amendment of section 35 of Waterworks Clauses Act 1847.

**73.** The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense.

Guarantees by district councils.

**74.—(1)** Any rural district council in respect of the part of their district within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums of money at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any pipe or works for the supply of water within any part of such district which is within the water limits.

**(2)** The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise any money which may become payable to the Corporation under this section in like manner as money may be raised under the provisions of any such general Act :

Provided that where such money is raised by means of a rate such rate shall be or shall be deemed to be a special rate.

**75.**—(1) The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding two and one-half per centum on the amount due in respect of any water rate or any instalment thereof from every person who pays the same within such time after demand of the rate or after the date when any instalment falls due as the case may be as the Corporation shall prescribe.

A.D. 1928.  
—  
Discount on  
water rate.

(2) Provided that the same rate of discount shall be allowed to every ratepayer in similar circumstances.

(3) Notice of the effect of the foregoing provisions of this section shall be endorsed on the demand notes for water rates.

**76.** When water of the Corporation supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Corporation may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum (and where more motor cars than one are ordinarily kept a further sum not exceeding ten shillings per annum for each motor car beyond the first) as the Corporation may prescribe and any sum charged under the provisions of this section shall be paid quarterly in advance and be recoverable in the same manner as water rates.

Supply of  
water by  
hose pipe  
to stables  
&c.

**77.**—(1) The Corporation shall not be bound to supply with water otherwise than by measure (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 inn public assembly hall or restaurant 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.

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

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter

A.D. 1928. but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof.

(3) The minimum quarterly charge for a supply of water by measure 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.

(4) Section 24 of the Act of 1877 is hereby repealed.

Water rate  
in case of  
two or more  
houses in  
one occupa-  
tion.

**78.** Where two or more houses or buildings are connected by any internal means of communication or by any bridge subway yard or passage not being a public highway and such houses or buildings are in occupation of one and the same company or person they shall be deemed for domestic water rate purposes to be one tenement having a gross estimated rental equal to the aggregate gross estimated rental of the separate houses or buildings.

Price of  
supply by  
meter.

**79.** The price to be charged for a supply of water by meter shall not exceed two shillings per thousand gallons.

Byelaws for  
preventing  
waste &c. of  
water.

**80.—(1)** The Corporation 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 Act referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow 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 Corporation 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 Corpora-



tion 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 requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation from the person on whose credit the water is supplied as the water rates in respect of the premises are recoverable.

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(4) Such byelaws shall not apply to any water fittings used on the premises of any railway company other than premises to which the Corporation are bound under the Waterworks Clauses Act 1847 to afford a constant supply.

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

Further powers in relation to water mains.

Provided that the Corporation shall not exercise such powers in through or under any lands or property belonging to a railway company without the consent of such company which consent shall not be unreasonably withheld.

**82.—(1)** Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water 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 sewers gas air or water pipes electric and other lines wires and apparatus.

Detection of waste.

(2) Provided that the Corporation 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.

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(3) Provided also that the Corporation 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 such 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 that company.

Power to person liable to maintain pipes &c. to open ground.

**83.**—(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 (relating to pipes to be laid by the inhabitants) of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

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

Power to Corporation to repair communication pipes.

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

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

or premises and in any case where the communication pipe is repairable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter. A.D. 1928.

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

**86.**—(1) The Corporation 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  
communica-  
tion pipes  
may be  
required.

(2) If the owner of any house supplied with water by the Corporation 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 Corporation 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.

**87.** The Corporation 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.

**88.**—(1) Where water is supplied by measure 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 Corporation. Register of  
meter to be  
*primâ facie*  
evidence.

(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

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

Injuring  
meters &c.

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

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may 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 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 Corporation 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 Corporation when such pipe meter instrument or fittings is or are under the

custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

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

Contracts  
for supply  
of water  
in bulk.

(2) Provided that—

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

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

**91.**—(1) Where water is supplied by the Corporation to any house to which this section applies the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement 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 in  
certain  
cases.

(2) The houses to which this section applies are:—

(a) In a rating area in which a resolution under subsection (1) of section 11 of the Rating Act

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is in force any house to which such resolution applies; and

(b) Elsewhere any house let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year.

(3) The provisions of this section shall be in addition to and not in derogation of the provisions of section 72 of the Waterworks Clauses Act 1847.

Revision  
of water  
rates &c.

**92.** The Minister may if he thinks fit from time to time on the application of the Corporation or of a local authority having jurisdiction within the water limits by order vary either by way of increase or decrease the rates and charges for the supply of water which the Corporation are by the Act of 1877 or this Act authorised to charge and any such order may provide for the alteration of the basis of such rates and charges :

Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister to provide a reasonable sum as a contribution towards a reserve fund so long as such fund does not amount to the maximum prescribed by the section of this Act of which the marginal note is " Reserve fund for water undertaking."

Dates for  
payment of  
water  
rates &c.

**93.** Notwithstanding the provisions of section 70 of the Waterworks Clauses Act 1847 the Corporation may from time to time by resolution declare that all or any of the rates rents and charges which they are by this Act or any other Act or Order relating to the water undertaking authorised to demand and make shall commence and be payable at such time or times as the Corporation may by any such resolution determine Provided that nothing herein contained shall authorise the Corporation to require the payment of any rate rent or charge under this Act or any other Act or Order relating to the water undertaking more than three months in advance.

Notice to  
Corporation  
of con-  
necting or  
disconnect-  
ing meters.

**94.** Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation 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 Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

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**95.** A notice to the Corporation from a consumer for the discontinuance of a supply of 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 Corporation or be given by the consumer personally at the office of the Corporation.

Notice to  
discontinue  
supply of  
water.

**96.—(1)** The Corporation 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 Corporation in providing such materials and executing such work 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 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 Corporation as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Corporation 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 Corporation. 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.

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(4) Provided as follows:—

- (a) The Corporation 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 Corporation to a consumer includes a sum charged by the Corporation 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 Corporation 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.

Interference  
with valves  
pipes and  
fittings.

97. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for  
interfering  
with sluices  
&c.

98. 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 Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such



supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly. A.D. 1928,  
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**99.** Notwithstanding anything contained in any Act relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication pipe therewith and the Corporation shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt. Corporation to connect communication pipes with mains.

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

**101.** The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles in the borough for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man. Cleansing of cisterns.

**102.** The Corporation shall not exercise the powers conferred upon them by the section of this Act the marginal note of which is "Power to Corporation to repair communication pipes" in respect of any street For protection of railway companies,

A.D. 1928. road or property of any railway company without the previous consent of such company but such consent shall not be unreasonably withheld.

## PART V.

## LANDS.

Power to  
acquire  
lands for  
street  
works  
waterworks  
and other  
purposes.

**103.**—(1) Subject to the provisions and for the purposes of this Act including the provision of space for the erection of buildings adjoining or near to any street the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference.

(2) The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation by agreement of any other lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be required by them for the purposes of or in connection with the street works or waterworks or other the purposes of this Act.

Power to  
acquire  
further  
lands for  
waterworks  
under-  
taking.

**104.** Subject to the provisions of this Act the Corporation may for the purposes of the water undertaking purchase and acquire the land in the parish of Spaxton hereinafter described and delineated on the deposited plans and described in the deposited book of reference (that is to say):—

A piece or parcel of land containing 2 acres 3 roods or thereabouts being the field or enclosure numbered 122 on the  $\frac{1}{2500}$  Ordnance survey map Somerset (second edition 1904) sheet XLIX-12.

Acquisition  
of ease-  
ments.

**105.**—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by Part IV (Waterworks and water supply) of this Act (including the subsidiary works and conveniences thereby authorised) acquire such easements only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements describing the nature thereof

and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts. A.D. 1928.

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

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

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

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

Correction  
of errors  
omissions  
&c.

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be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Power to enter upon property for survey and valuation.

**107.** The Corporation and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Owners may be required to sell part only of certain premises.

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

- (a) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties";
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only

without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by them determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;
- (d) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;
- (e) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in their absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;

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

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

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

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

Persons  
under  
disability  
may grant  
easements  
&c.

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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**110.** In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Part of this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of any new street or of the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such new or existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Benefits to  
be set off  
against  
compensa-  
tion.

**111.** For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the following provisions shall apply and have effect (that is to say) :—

Compensa-  
tion in case  
of recently  
created  
interest.

(1) The tribunal shall not take into account any building erected or any improvement or alteration made or any interest in land created after the first day of November nineteen hundred and twenty-seven and before the date of the passing of this Act if in the opinion of the tribunal the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act :

(2) Subject as is hereinafter in this section provided the tribunal shall not take into account—

(a) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any improvement or alteration reasonably necessary for properly maintaining such premises) made after that date which in the opinion of the tribunal materially enhances the value of such premises ; or

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(b) any interest in and greater than that of a quarterly tenant created after the date of the passing of this Act :

- (3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the Corporation of his intention to erect any building upon or to make any improvement or alteration of or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically described in the notice) and the Corporation do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

(a) Subsection (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

(b) Subsection (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said first day of November nineteen hundred and twenty-seven and before the date of the passing of this Act :

- (4) The Corporation shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Act.

**112.** The powers of the Corporation for the compulsory purchase of lands for the purposes of Part III

Limit of time  
for compulsory purchase  
of lands.



(Street works) and Part IV (Waterworks and water supply) of this Act shall cease on the thirty-first day of December nineteen hundred and thirty-one. A.D. 1928.  
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**113.**—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished. Extinction  
of private  
rights of  
way.

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

**114.** The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the street works or of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands or property (including any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the street works) for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Corporation for the purposes of this Act. Power to  
Corporation  
to make  
agreements  
with owners  
of property  
&c.

**115.** The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of the street works or any of them with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange. Power to  
reinstale  
owners of  
property.

**116.** The Corporation on selling any lands may reserve to themselves all or any part of the easements belonging thereto and may make the sale subject to such Reservation  
of ease-  
ments &c.

A.D. 1928. — reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Retention  
and disposal  
of lands.

117.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing 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 Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister be necessary or has been obtained :

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

(2) Nothing in this section contained shall release the Corporation 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 Corporation or any person from or through whom the Corporation 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.

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**118.**—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may (so far as they consider necessary) apply 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 lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister.

Proceeds  
of sale of  
surplus  
lands.

(2) Provided that—

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

**119.**—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act and in their discretion grant either to the lessee or tenant under the surrendered

Powers with  
reference to  
leases of  
surplus  
lands.

A.D. 1928.            lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion.

Further  
powers for  
acquisition  
of lands.

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

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

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands

but as to capital moneys so received and not so applied the Corporation shall apply the same either— A.D. 1928.

- (a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being 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; or
- (b) in such other manner as may be approved by the Minister.

**121.**—(1) The Corporation may with the consent of the Minister lay out and develop and erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any lands for the time being belonging to them and not required for the purposes for which they were acquired and may sell lease exchange or otherwise dispose of any such houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit. Power to develop lands &c.

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

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

(4) Unless the Minister otherwise directs or approves the Corporation shall not sell lease or dispose of any houses shops offices warehouses buildings or lands under the powers of this section except at the best price or on the best terms which can be obtained but a purchaser or lessee shall not be concerned to inquire whether

A.D. 1928. — the direction or approval of the Minister is necessary or has been obtained.

(5) The provisions of this section shall be in addition to and not in derogation of any other powers vested in or exerciseable by the Corporation.

## PART VI.

### MARKETS FAIRS AND SLAUGHTER-HOUSES.

Additional powers as to markets and fairs.

**122.** The Corporation without prejudice to their existing powers with regard to markets and fairs and notwithstanding anything contained in the local Acts shall have the following powers in relation to the markets and fairs held in the borough (namely):—

- (1) They may continue the markets and fairs held in streets of the borough and elsewhere at the passing of this Act and may from time to time hold markets on such and so many days of the week as they may think fit and alter the places at which the markets respectively are or may be held and may establish and hold new markets (other than cattle markets in the streets) in the borough:
- (2) When the Corporation have provided an alternative site suitable for the purpose the land in the borough known as Saint Matthew's Field shall no longer be used for the holding of fairs.

Power to make byelaws as to fairs.

**123.** The Corporation may make byelaws for the prevention during the holding of any fair belonging to them in the borough of nuisances or obstructions on the land on which any such fair is held and for the regulation during the said period of the use of such land and the buildings stalls pens and stands thereon.

Erection of offices shops &c.

**124.** The Corporation may erect or provide offices shops stores warehouses and other tenements or buildings for the purposes of or in connection with any of their markets and the markets undertaking but nothing in this section shall allow the Corporation to erect any office shop store warehouse or other tenement or building in such manner as to infringe any existing legal rights of any owners lessees or occupiers of any land or property in the vicinity thereof.

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

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Power to  
lease stalls  
shops &c. in  
markets.

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

Use of  
market  
place for  
public  
meetings  
&c.

**127.** In place of all or any of the tolls and charges specified in the Act of 1826 or the Act of 1857 the Corporation may demand and take such other tolls and charges as may from time to time be fixed in manner provided by section 167 of the Public Health Act 1875 and the tolls and charges so fixed by the Corporation shall thereafter be the maximum tolls and charges which the Corporation may demand and take for the several matters to which those tolls and charges respectively relate.

Increasing  
market  
tolls &c.

**128.** If any tenant stallholder or occupier shall not after any tolls and charges have become due and payable to the Corporation in respect of any stall standing place bench cellar or other convenience in any market house market hall market place or fair belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stall standing place bench cellar or other convenience and re-let the same without prejudice to any other remedy for the recovery of such tolls or charges.

Power to  
take pos-  
session of  
stalls for  
non-pay-  
ment of  
rent.

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Removal  
and  
exclusion  
from market  
of animals  
not fit for  
food or  
suspected of  
tuberculosis.

**129.** The market-keeper any officer of the market the sanitary inspector or any constable may remove or exclude from any market of the Corporation any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon is suspected by him to be affected with tubercular disease.

Extension  
of sections  
116 to 119  
of Public  
Health  
Act 1875.

**130.**—(1) Any animal brought to any cattle market of the Corporation at which animals intended for the food of man are in fact sold shall (unless the contrary be proved) be deemed to be deposited for the purpose of sale and intended for the food of man within the meaning of sections 116 to 119 (relating to unsound meat &c.) of the Public Health Act 1875 and the provisions of those sections shall respectively apply to any such animal. The provisions of the section of this Act of which the marginal note is "Extension of powers of veterinary inspector to section 116 of Public Health Act 1875" shall extend and apply accordingly.

(2) Any person knowingly causing directing or permitting any animal which is diseased or unsound or unwholesome or unfit for the food of man to be brought to any such market of the Corporation and any person (including any auctioneer) who offers for sale or sells any such animal knowing it to be diseased or unsound or unwholesome or unfit for the food of man as well as the persons mentioned in section 117 of the Public Health Act 1875 shall be liable to a penalty as mentioned in the said section 117.

(3) The veterinary inspector the market-keeper any officer of the market the sanitary inspector or any constable may detain for a reasonable period not exceeding twelve hours any emaciated or diseased animal brought to any cattle market of the Corporation and any person wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

Extension  
of powers of  
veterinary  
inspector  
to section  
116 of

**131.** Every veterinary inspector of the Corporation may exercise the powers of section 116 (Power of medical officer of health to inspect meat &c.) of the Public Health Act 1875 in the same manner as the medical officer or the



sanitary inspector and the Public Health Acts shall apply within the borough as if such veterinary inspector were mentioned in the said section in addition to the medical officer and the sanitary inspector.

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Public  
Health  
Act 1875.

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

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

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

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

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

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

Power to  
purchase  
slaughter-  
houses.

**133.**—(1) The Corporation may by agreement purchase any slaughter-house and premises connected therewith or any part of such slaughter-house or premises or the Corporation may agree with the occupier of such slaughter-house or premises with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a slaughter-house and may remove such slaughter-house from the register of slaughter-houses.

(2) The purchase of such slaughter-house and premises and any arrangement as aforesaid for the discontinuance of the user thereof shall be deemed to be purposes of the Public Health Act 1875 and for the purposes of such purchase the Corporation may exercise the powers of borrowing conferred by that Act.

Extension  
of section  
169 of  
Public  
Health  
Act 1875.

**134.**—(1) The provisions of section 169 (Power to provide slaughter-houses) of the Public Health Act 1875 shall be extended so as to empower the Corporation in connection with any slaughter-houses provided by them in pursuance of the said section to erect and maintain furnish fit up and equip all necessary buildings pens yards railway sidings works and conveniences approaches buildings stalls standings and other accommodation and to use the same for the purposes of the said slaughter-houses and any other purposes in connection with the markets undertaking.

(2) The Corporation may lease for such period let or otherwise permit the use of in such manner and for such consideration and on such terms and conditions as they think fit portions of or accommodation in the slaughter-houses or lairages erected by them and for that purpose may enter into and carry into effect contracts arrangements and agreements with any company body or person.

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## PART VII.

## STREETS BUILDINGS SEWERS AND DRAINS.

**135.**—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street within the meaning of their byelaws with respect to new streets or any provisions in a local Act with respect to the width of new streets the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

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

(2) If after the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans and particulars as approved and if any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The said owner may at any time submit to the Corporation for their approval any alteration in the said

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(4) (a) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

(5) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

Building  
line in  
streets.

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

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway repairable by them or by any highway authority) already formed upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any street referred to in subsections (1) and (2) of this section any house or building or any part thereof or any addition to any house or building if the building line for

such street has been disapproved by the Corporation or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

(5) In the event of the Corporation requiring as a condition for their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

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

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

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

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be paid in such manner and by such parties to the appeal as the court of summary jurisdiction may direct.

Adjustment  
of bound-  
aries of  
streets.

**137.**—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street within the borough for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land. For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month any four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this proviso.

(3) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation as to an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section.

(4) On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

(6) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in, under, upon, over, along or across the site of

any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

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**138.**—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street within the meaning of the Corporation byelaws with respect to new streets or any provisions in a local Act with respect to the width of new streets are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

Adjustment  
of bound-  
aries of  
estates.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and

A.D. 1928. — the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

As to  
termina-  
tions of new  
streets.

**139.**—(1) The Corporation may on the deposit of a plan and sections of a new street in pursuance of any byelaw in force in the borough by order prohibit the erection or retention on land belonging to the owner of the land upon which such new street is proposed to be constructed or laid out of any wall or fence at either termination of such new street in order to secure means of communication between such new street or any other street or intended street or for the purpose of securing an adequate opening at either end of the new street.

(2) If any person acts in contravention of any order made by the Corporation under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:



Provided that the Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers of this section.

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**140.**—(1) If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt within the borough is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period not being less than seven days as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

Provisions  
as to fore-  
courts.

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

**141.**—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

Erection of  
retaining  
walls.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a

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penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to  
urgent  
repairs of  
private  
streets.

**142.** Where in the opinion of the Corporation repairs the cost of which shall not exceed five pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect the operation in regard to such street at any subsequent date of the Private Street Works Act 1892 or of section 19 (As to urgent repairs of private streets) of the Public Health Acts Amendment Act 1907.

Power to  
provide tubs  
for trees &c.

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

Byelaws  
as to inter-  
secting  
streets.

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

Byelaws  
as to  
secondary  
means of  
access.

**145.** The power of the Corporation to make byelaws with respect to secondary means of access under section 23 of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect fronting a street or intended street terraces or other continuous blocks of houses not giving access through their own grounds to the backs of such houses to make and construct a back and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws.

**146.**—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large uses or permits to be used any kerbed footway or paved footway in such streets as a crossing for any horse or vehicle in passing to and from such premises the Corporation may either—

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—  
Crossings  
for horses or  
vehicles  
over foot-  
ways.

(a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier in a summary manner.

(3) If the Corporation allow the use of the footway as a crossing for any horse or vehicle subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of the said condition shall be liable to a penalty not exceeding five pounds.

(4) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

**147.**—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the borough without the previous approval of the Corporation.

Prohibition  
of tents  
vans &c.

(b) It shall not be lawful for any person without the previous consent of the Corporation to let or permit

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to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(2) Any person aggrieved by the withholding by the Corporation of any approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem meet. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(3) This section shall not apply to (a) a tent van shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (b) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

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

Provisions  
as to tents  
vans &c.

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

Police  
telephone  
call boxes  
and fire  
alarms.

**149.** The Corporation may (a) erect or fix police telephone call boxes in such positions in any street road or public place within the borough as they think fit (b) with the consent of the road authority and with the consent and at the cost of the local authority (which cost the local authority are hereby authorised to incur) erect or fix street fire alarms in such positions as may be agreed in any street road or public place in the district of any local authority with whom the Corporation have entered

into an agreement for the use of their fire brigade  
Provided that nothing in this section shall authorise the  
transmission of any telegram which is within the exclu-  
sive privilege conferred upon the Postmaster-General by  
the Telegraph Act 1869.

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**150.** Any person who shall cover over or wilfully or  
negligently obstruct or interfere with the convenient  
access to any fire alarm fire-plug or hydrant or who shall  
remove or efface any plate or mark indicating the position  
of such alarm plug or hydrant shall be liable to a penalty  
not exceeding five pounds.

Fire plugs.

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

Direction  
signs.

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

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

**152.—(1)** If the Corporation shall by resolution  
determine that any banner streamer sign or lettering  
suspended across or hung over any street within the  
borough for the purposes of advertisement or announce-  
ment is a nuisance or objectionable by reason of its size  
construction or situation or an injury to the amenities of

Banners  
signs &c.  
over streets.

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the street over which such banner streamer sign or lettering is suspended or hung they may by notice in writing require the owner of or person responsible for the suspension or hanging of such banner streamer sign or lettering to remove the same within such period not being less than seven days as may be specified in the notice.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering as is referred to in subsection (1) hereof which was in use on the first day of November nineteen hundred and twenty-seven.

(4) Any person aggrieved by any requirement of any notice of the Corporation under this section or by the withholding of any permission or the conditions attached to any such permission under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service of such notice 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. Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section.

Restriction  
on erection  
of temporary  
stands  
&c.

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

as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon. A.D. 1928.  
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(2) Any person acting in contravention of this section or offending against any such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any person who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

**154.**—(1) It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on other emergencies to cause barricades to be erected across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings. As to  
barriers in  
streets.

(2) For the purpose of the erection of such barriers the Corporation may construct or place in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient.

**155.**—(1) (a) For the purpose of assisting the Corporation in the exercise of the powers conferred upon them by this section a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted for the borough of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a Fellow of the Surveyors' Institution to be nominated by the President of the said institution and one member shall be a justice of the peace to be nominated by the council: Further  
power to  
make bye-  
laws as to  
elevations of  
buildings &c.

Provided that a member of the council shall be disqualified from being a member of the advisory committee.

(b) Subject as aforesaid the members of the advisory committee shall be appointed by the council and any vacancy occurring on the advisory committee shall be filled by the council on the nomination of the person or body by whom the member causing the vacancy was nominated. The Corporation may pay the members of

A.D. 1928. — the advisory committee such reasonable fees and expenses as the Corporation think fit.

(2) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary for the deposit by a person intending to construct—

- (a) a building within the borough; or
- (b) an addition to an existing building within the borough (including the reconstruction of an existing addition to any such building); or
- (c) a chimney in the borough exceeding forty-five feet from the ground in height;

of drawings of the elevations and particulars as to the materials of such building or addition or chimney (in this section called collectively "elevations").

(3) Where elevations are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the submission to them of the elevations—

- (a) approve the elevations; or
- (b) if they shall consider that having regard to the general character of the buildings in the borough or of the buildings proposed therein to be erected or of the building upon or to which the addition is to be constructed or reconstructed the building or addition or chimney to which the elevations relate would seriously disfigure the borough whether by reason of the height of the building or addition or chimney or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building or addition or chimney is considered to be objectionable.

(4) The Corporation shall forthwith send notice in writing to the person by whom the elevations were



deposited of their approval thereof or if the building or addition or chimney is considered to be objectionable on any of the grounds mentioned in this section of the reference of the elevations to the advisory committee and the notice shall be accompanied by a statement of the objections to the building or addition or chimney. A.D. 1928.

(5) (a) The person by whom the elevations were deposited shall within fourteen days of his receiving notice of the reference to the advisory committee be entitled to send to the advisory committee a statement of his answers to the objections of the Corporation and if he does so he shall at the same time send a copy thereof to the town clerk.

(b) (i) The advisory committee shall within one month after the receipt of the reference decide whether having regard to the considerations mentioned in subsection (3) (b) of this section they approve or disapprove of the elevations and their decision shall be final and conclusive;

(ii) If the elevations are disapproved the decision of the advisory committee shall contain a statement of the grounds on which the proposed building or addition or chimney is considered to be objectionable;

(iii) In arriving at their decision the advisory committee may adopt such procedure as they think fit.

(6) The decision of the advisory committee shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the Corporation and to the person by whom the elevations were submitted.

(7) In the event of a division of opinion among the members of the advisory committee upon reference to them the matter shall be decided by a majority of votes of the members of the committee but save as aforesaid the advisory committee shall act by their whole number.

(8) Where the elevations of a building or addition or chimney have been disapproved under this section it shall not be lawful to erect the building or addition or chimney until the elevations thereof have been approved by the Corporation and any person who acts in contravention of this section shall be liable to a penalty not

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exceeding five pounds and to a daily penalty not exceeding two pounds.

(9) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct. Where such costs or part are payable by the person submitting the elevations they shall be recoverable by the Corporation summarily as a civil debt and where such costs or part thereof are payable by the Corporation they shall be recoverable by the person submitting the elevations in the like manner.

(10) The provisions of paragraph (b) of subsection (2) of this section shall not apply to a wooden hoarding which is used solely for the purposes of bill posting.

Byelaws as to materials and construction of buildings &c.

**156.** Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to the following matters (namely):—

- (1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act:
- (2) For defining the purposes for and the extent to which the division of a building into flats shall be deemed to be the erection of a new building:
- (3) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united:
- (4) The testing of drains of new buildings:
- (5) For securing that waterclosets constructed after the making of such byelaws shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provisions to be made for securing the protection of the same from frost.

**157.** The power given by subsection (4) of section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission of such plans and sections in relation thereto as can be required in relation to the erection of a new building.

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Byelaws  
as to altera-  
tions of  
buildings.

**158.** Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws for securing that any new building shall not be constructed in such situation or manner as to impede the proper ventilation of any other building or to render any such other building or any part thereof unfit for human habitation or dangerous or injurious to health or to prevent necessary access to any such other building for purposes connected with the remedying of nuisances or the enforcing of any legal provisions relating to the public health.

Byelaws for  
preventing  
construc-  
tion of  
obstructive  
buildings.

**159.** Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to—

Byelaws as  
to erection  
of dwelling-  
houses under  
continuous  
roof.

(i) the number of dwelling-houses which may be erected in one block or in one continuous row;

(ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;

(iii) the situation construction and height of walls or fences upon or across such open space.

**160.**—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option to take down or repair such building (in this section referred to as a "neglected

Removal  
of dilapi-  
dated and  
neglected  
buildings.

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structure ") or any part thereof or otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

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

(3) Where the Corporation in the execution of any such order under the provisions of subsection (2) of this section take down a neglected structure or any part thereof the Corporation may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

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

As to  
dangerous  
buildings.

**161.**—(1) In the case of any building which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or to persons working therein the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such

other persons as he may deem necessary enter upon such building and examine and inspect the same.

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(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures.

**162.**—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining buildings are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if it is required by the Corporation and if it is reasonably practicable 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 buildings so erected or raised or the top of such last-mentioned building whichever may be the higher.

Erection of buildings to greater height than adjoining 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.

**163.** It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation upon a report by the medical officer or sanitary inspector that any smoke gas or vapour from any chimney of a wash-house or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas or vapour or such other means to be adopted as may seem fitting to such court and as shall not exceed an expenditure of twenty pounds for preventing or mitigating such nuisance within such time as shall be specified in such order and any such owner as aforesaid

Power to order alteration of chimneys.

A.D. 1928. — who shall neglect, or refuse to obey such order shall be liable to a penalty not exceeding five pounds.

Attachment  
of lighting  
brackets  
and wires  
to buildings.

**164.**—(1) The Corporation may with the consent of the owner of any building wall or bridge attach to that structure such brackets wires lamps and apparatus as may be required for lighting any street :

Provided that—

(a) where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building 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 in the circumstances or to disallow the same and to 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 structure but any attachments fixed under the provisions of this section shall not be required to be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section ;

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

(2) For the purposes of this section any occupier of a structure 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.

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

(2) From and after the first day of January nineteen hundred and twenty-nine the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in

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Means of  
escape from  
buildings in  
case of fire.

A.D. 1928. the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Corporation under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give 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 Corporation under either of the said subsections.

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

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable under all the circumstances of the case.

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

(8) This section shall not apply to any 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 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 passing of this Act into flats it shall be deemed to be a new building within the meaning of this section.



**166.** Section 23 (Extension of 38. & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words " and floor area " had been inserted therein after the word " height " in subsection (1) of that section. A.D. 1928.

Area of habitable rooms.

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

**168.** The Corporation may exercise the powers of an urban authority under section 22 of the Public Health Acts Amendment Act 1890 (which relates to the provision of sanitary conveniences in workshops and manufactories) on the report of the medical officer or the sanitary inspector as well as on the report of the surveyor. As to powers of requiring sanitary conveniences for manufactories &c.

**169.—(1)** Section 36 (Power of local authority to enforce provision of privy accommodation for houses) of the Public Health Act 1875 shall with the necessary modifications apply to a part of a house occupied by a separate family as it applies to the whole of a house. Closet accommodation in houses occupied by more than one family.

**(2)** The provisions of subsections (1) (2) and (3) of section 7 (Execution of works to comply with byelaws) of the Housing Act 1925 shall apply with any necessary modifications as if the same were set out in this section.

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

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

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—  
Combined  
drains.

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

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

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

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

Houses con-  
nected with  
single pri-  
vate drain.

**172.**—(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

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

(2) Section 19 (Extension of 38 & 39 Vict. c. 55 s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

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

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

Improper construction or repair of watercloset or drain.

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

**174.** If any person cause any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious

Wilful damage to drains

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water-  
closets &c.

or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds. Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

As to  
defective  
drains &c.

**175.**—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

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

Repair of  
private  
drains.

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

that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit. A.D. 1928.  
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**177.** In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works. Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Powers on  
inspection.

**178.**—(1) (a) No fence hoarding or other similar structure (in this section referred to as a “structure”) of a greater height than six feet six inches above the level of the ground at the nearest boundary of the road or street shall be erected or brought forward on any land in any street within the borough— Hoardings  
and similar  
structures.

(i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or

(ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(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 and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expense incurred by them in so doing from the offender.

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(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the date of the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

Restrictions  
on adver-  
tisement  
hoardings.

**179.**—(1) For the purpose of preserving the amenities of the borough it is hereby enacted that it shall not be lawful to erect any hoarding or similar structure in or abutting on or adjoining any street to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation 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 hoarding or similar structure as the Corporation may determine.

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent 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 Corporation 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 such refusal provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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**180.** The Corporation may by notice in writing require the owner of or other person using any hoarding wall or similar structure for advertising purposes erected before or after the commencement of this Act to keep and maintain the same in good order and condition and if any papers affixed for advertising purposes to such hoarding wall or similar structure fall away become detached or are stripped off to forthwith remove and clear away such papers and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out the requirements thereof and recover from the owner any expense incurred by them in so doing.

As to  
repair of  
hoardings.

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

Exemption  
for railway  
companies.

- “ Crossings for horses or vehicles over footways ”;
- “ Prohibition of tents vans &c. ”;
- “ Provisions as to tents vans &c. ”;
- “ Banners signs &c. over streets ”;
- “ Restriction on erection of temporary stands &c. ”;
- “ As to barriers in streets ”;
- “ Removal of dilapidated and neglected buildings ”;
- “ Attachment of lighting brackets and wires to buildings ”;
- “ Means of escape from buildings in case of fire ”;
- “ Sanitary conveniences for workmen engaged on buildings ”;
- “ Powers on inspection ”;
- “ Hoardings and similar structures ”; and
- “ As to repair of hoardings ”;

shall extend or apply to any buildings (not being a dwelling-house) railway canal or work constructed by or belonging to or which may hereafter be constructed by or

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belong to any railway company in the exercise of their statutory powers or to any land held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway canal work or land is used or held by such company primarily for railway or canal purposes.

## PART VIII.

## INFECTIOUS DISEASE AND SANITARY.

Power to close Sunday schools and exclude children from entertainments.

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

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

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

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



public entertainment or assembly without undue risk of communicating disease to others.

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

**184.** Any parent or other person liable to maintain a child in attendance at a school (including a Sunday school) who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings:

Special provisions to prevent spread of infectious diseases.

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

**185.**—(1) For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles whooping-cough chicken-pox ringworm and influenza as well as infectious disease as defined by the section of this Act of which the marginal note is "Interpretation of terms."

Extended meaning of "infectious disease" for certain purposes.]

(2) For the purposes of section 126 of the Public Health Act 1875 as amended by section 62 of the Act of 1907 the expression "dangerous infectious disorder" includes infectious disease as defined by the section of this Act of which the marginal note is "Interpretation of terms" and also (in the case of exposure in covered buildings or public conveyances) measles and whooping-cough.

**186.**—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such informa-

Penalty on withholding information from medical officer.

A.D. 1928.

tion within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

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

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

Names of  
laundrymen  
to be fur-  
nished.

**187.**—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

(2) Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

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

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

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

Corporation may supply antidotes against infectious disease.

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

Prohibition on infected person carrying on business.

**191.—(1)** If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed in the cooking preparation or handling of food (other than milk to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply) intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to discontinue his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

Power to prohibit persons suffering from tuberculosis from handling &c. food.

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

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

**192.** If any person shall at the request of the Corporation acting on the advice of the medical officer stop his employment for the purpose of preventing the spread

Power to compensate persons for ceasing employment

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to prevent  
spread of  
disease.Disinfection  
in case of  
tuberculosis.

of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

**193.**—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any boat vessel tent van shed or similar structure used for human habitation) within the borough would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice.

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

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

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

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(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

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

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

**194.**—(1) Where it appears to the Corporation on a report from the medical officer that any articles in any house or part thereof in the borough are in such a filthy dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing disinfection or destruction of any such articles is requisite to prevent risk of or to check infectious disease the Corporation may at their own expense cause such articles to be cleansed disinfected or destroyed and (if they think fit) removed for any such purpose.

Cleansing or  
destruction  
of filthy &c.  
articles.

(2) If the owner of any such articles suffers unnecessary damage by reason of the exercise of the powers of this section the Corporation shall compensate him for the same and the Corporation shall also reasonably compensate him for any articles destroyed. Any compensation payable under this subsection shall be recoverable summarily as a civil debt.

(3) Section 122 (Provision of means for disinfection) of the Public Health Act 1875 shall extend and apply to the provision by the Corporation of means for cleansing disinfecting destroying and removing articles under the provisions of this section.

A.D. 1928.

As to filthy  
premises.

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

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

Cleansing of  
dwelling-  
houses in  
certain  
cases.

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

Medical  
practi-  
tioners to  
notify cases  
of food  
poisoning.

**197.**—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Corporation shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and

of one shilling if the case occurs in his practice of medical officer of any public body or institution. A.D. 1928.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

**198.**—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the borough omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable for every such offence to a penalty not exceeding forty shillings.

For regu-  
lating  
manu-  
facture and  
sale of ice-  
cream &c.

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

(3) Every vendor of or dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or

A.D. 1928.

— vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Registration of premises used for preparation of potted and preserved foods.

**199.**—(1) Any premises used or proposed to be used for the preparation or manufacture of potted or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid.

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

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

(4) In the case of meat or fish the word "preserved" in subsection (1) includes preparation by any process of cooking but this section shall not apply to hotels restaurants or other premises where food is in the ordinary course of business prepared for consumption on the premises.

As to inspection of premises used for storage of food.

**200.**—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of section 72 (5) of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the occupier of such room or his agent his intention to have



the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the public analyst.

A.D. 1928.

(2) The expression " public analyst " in this section means the analyst appointed by the Corporation for the purposes of the Sale of Food and Drugs Acts 1875 to 1927.

**201.**—(1) The Corporation may make and enforce byelaws for preventing meat (other than foreign meat or meat which has been inspected and passed as fit for the food of man by a medical officer of health or a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of the district in which the animal has been slaughtered) or any part of the carcase of an animal brought into the borough from being used for the food of man or being offered for sale or sold or deposited for sale or for the preparation for sale and intended for the food of man until after inspection by an officer of the Corporation.

Byelaws as  
to meat.

(2) Provided that any byelaws made by the Corporation under this section shall provide—

(a) That any person bringing any meat or any part of the carcase of an animal into the borough shall give to the medical officer reasonable notice thereof in writing and of the day and hour and place in the borough at which the meat can be inspected as aforesaid; and

(b) That if within such reasonable period after the notified hour as may with due regard to the requirements of the trade be prescribed by the byelaw an officer of the Corporation shall not have attended at the place so notified for the purpose of inspection the restriction in subsection (1) of this section referred to shall not apply to the meat in respect of which the notice was given.

(3) Before making any such byelaws relating to the retail meat trade the Corporation shall give not less than

A.D. 1928. one month's notice to the Bridgwater Butchers' Association of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association thereon before they submit the same to the Minister for confirmation and such association shall be entitled to make representations to the Minister with regard thereto.

Byelaws as to transport &c. of food. **202.**—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of food.

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

Further powers in relation to unsound food.

**203.** Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any article of food intended for sale or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly Provided that the extended power conferred by this section on the medical officer or sanitary inspector may be exercised by any veterinary surgeon appointed by the Corporation :

Provided also that nothing in this section shall authorise the inspection examination and search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or any basket sack bag or parcel in the possession of such company as carriers thereof.

Penalty on original vendor of unsound food.

**204.**—(1) Where it is shown that any animal or article liable to be seized under sections 116 and 119 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) or under

any enactment relating to the borough and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition. A.D. 1928.

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

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

**205.**—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or Regulation  
dustbins.

A.D. 1928.

other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

(2) Every owner or occupier having provided dustbins pursuant to this section shall maintain the same in good order and condition and shall remove or fill in to the reasonable satisfaction of the sanitary inspector any ashpit for which the same has been substituted.

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

(4) Except as is hereinafter provided this section shall not authorise the Corporation to require the provision of a dustbin thereunder in any case in which a receptacle in use at the first day of January nineteen hundred and twenty-eight is of suitable size and in proper order and condition. Provided that the Corporation may in any case they think fit require the provision of a dustbin in lieu of any ashpit in use at the first day of January nineteen hundred and twenty-eight but in such case they shall except where the medical officer or the sanitary inspector shall have certified that owing to wilful neglect on the part of the owner or occupier after due notice to keep the same in proper repair any such ashpit is in such a state as to create a nuisance or be injurious to health bear and pay such sum towards the expense of providing such dustbin (being not less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of such expenses shall be borne by the owner or occupier.

(5) Nothing in this section shall apply to any warehouse belonging to a railway company.

Restrictions  
as to use of  
dustbins.

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

(2) Any person contravening the provisions of this section shall be liable to a penalty of ten shillings. A.D. 1928.  
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**207.** The power of the Corporation to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not fæcal or offensive or noxious matter or liquid. Byelaws as to refuse.

**208.** The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions (a) in or about or arising out of any existing stable (whether the same is used as such at the passing of this Act or not) or (b) in or about or arising out of or with regard to the situation in reference to other buildings or any stable erected after the passing of this Act. Byelaws as to stables.

**209.**—(1) Where the Corporation's veterinary surgeon has certified that any infectious or parasitic disease has appeared in any stable cowshed or other place within the borough where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Corporation may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe. As to infected stables and other places.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

**210.**—(1) The owner of any dwelling-house or tenement in the borough which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless either (a) the dwelling-house or tenement was erected before the passing of this Act or (b) the means of Houses without water supply.

A.D. 1928. — affording such a supply of water are not available and cannot be made available at a reasonable cost.

(2) Section 62 (Local authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words " or the medical officer of health " were inserted therein after the words " the surveyor."

Discon-  
tinuance of  
offensive  
trade.

**211.**—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade :

Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of the section of this Act of which the marginal note is " As to appeals " and that the provisions of the said section shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection.

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

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a

period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

## PART IX.

## HACKNEY CARRIAGES AND POLICE.

**212.** No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage (which expression shall in this section include an omnibus) unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit.

Power to  
impose test  
on motor  
drivers.

**213.—(1)** The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

Inspection  
and certifi-  
cation of  
taximeters.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

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—  
Byelaws as  
to hackney  
carriages.

**214.** The power to make byelaws conferred upon the Corporation by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say) :—

- (a) For the examination and inspection of hackney carriages at such times and places as may be prescribed in such byelaws within one month before the annual licensing day;
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire;
- (c) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made.

Further  
provisions  
as to  
hackney  
carriages.

**215.**—(1) For the purposes of sections 51 to 61 (both inclusive) 63 and 65 to 67 (both inclusive) of the Town Police Clauses Act 1847 the whole of the borough and any area outside the borough but within five miles from the town hall of the borough shall be within the prescribed distance for hackney carriages duly licensed by the Corporation and hired within the borough.

(2) The power of the Corporation to make byelaws under section 68 of the Town Police Clauses Act 1847 shall be extended so as to enable them also to make byelaws thereunder with respect to hackney carriages duly licensed by the Corporation and hired within the borough when outside the borough but within five miles of the town hall of the borough.

(3) (a) Any offence committed or claim arising outside the borough but within five miles of the town hall of the borough against or under the Town Police Clauses Act 1847 or any byelaws made by the Corporation thereunder and relating to a hackney carriage duly licensed by the Corporation and hired within the borough may be brought before and determined by any person who would have had jurisdiction to hear and determine the offence



or claim had it occurred or arisen at the place within the borough where the hiring was effected. A.D. 1928.

(b) In addition to any persons authorised by section 253 of the Public Health Act 1875 the Corporation may take proceedings for the recovery of any penalty for any offence specified in the preceding paragraph (a).

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

**217.** The Corporation may make byelaws prohibiting or restricting the use by persons riding bicycles tricycles or other similar vehicles on any footpaths specified and defined in such byelaws. Byelaws as to bicycles &c. on certain footpaths.

**218.** The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the borough on days appointed for carnivals or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours. Power to make regulations as to traffic on carnival &c. days.

**219.** The Corporation may delegate their powers under section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 and under the last preceding section of this Act to a committee consisting of not less than five members of the council and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the council. As to street traffic.

**220.—(1)** Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice Notice of processions to be given.

A.D. 1928. — at the head police office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

Unauthorised riding upon vehicles.

**221.** Every person who shall ride upon or cause himself to be carried or drawn by any vehicle without the consent of the owner or driver or conductor or inspector in charge thereof shall be liable to a penalty not exceeding forty shillings.

Byelaws as to leading or driving cattle.

**222.** The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of this section for prescribing the streets in which the hours during which and the manner according to which animals may be led or driven along the streets of the borough :

Provided that the route or routes prescribed by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid. Provided also that any such byelaw shall not prevent the owner of any animal driving the same to his own premises.

Penalty for crying newspapers.

**223.** Every person who shall on Sundays in any street or public place within the borough call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings.

## PART X.

A.D. 1928.

## RECREATION GROUNDS.

**224.** The existing power of the Corporation of making byelaws for securing good and orderly conduct in their public parks and pleasure grounds shall extend to the making of byelaws for securing good and orderly conduct during any concert recital entertainment exhibition or amusement provided or carried on in pursuance of the provisions of the Public Health Act 1925.

Power to  
make  
byelaws.

**225.** The Corporation may provide programmes of any concert entertainment athletic meeting exhibition or performance which may from time to time be provided by the Corporation or with their sanction or towards the expenses of which they may contribute in any public park or pleasure ground in the borough and may sell such programmes or may authorise any person or persons to provide and sell such programmes.

Pro-  
grammes.

**226.**—(1) The Corporation may in any year pay or contribute towards the cost of providing and maintaining at public places in the borough and on omnibuses plying in the borough or between the borough and other places and in newspapers published in the counties of Somerset and Gloucester advertisements of the concerts and entertainments provided by them or towards which they may contribute in any public park or pleasure ground in the borough or in any enclosure pavilion or other building in such park or ground or in the public offices or swimming baths of the Corporation.

Power to  
advertise  
entertain-  
ments and  
attractions.

(2) Any expenses incurred by the Corporation in the exercise of the powers contained in this section shall be paid out of the general district fund and shall not exceed annually an amount equal to a rate of one penny half-penny in the pound.

**227.**—(1) The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such

Power to  
appoint  
officers.

A.D. 1928. — 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 park-keeper the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

Power of constables to enforce byelaws as to parks &c.

**228.** From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Act 1875 relating to any park or place of public resort or recreation ground under the control of the Corporation as is given to the servants of the Corporation by the byelaws for the time being in force under the provisions of the said Act.

As to receipts and expenses.

**229.** All moneys from time to time received by the Corporation in respect of the exercise of their powers under this Part of this Act shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of the exercise of those powers shall be paid out of the general rate fund and the general rate.

## PART XI.

### COMMON LODGING-HOUSES.

As to periods of letting as affecting common lodging-houses.

**230.** No house or part of a house within the borough shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this Part of this Act or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

Power to refuse registration.

**231.—(1)** The Corporation may without prejudice to their powers under the Public Health Acts refuse to register or to renew the registration of any house as a common lodging-house unless they are satisfied—

(a) that the premises are suitably equipped for use and occupation as a common lodging-house; or

(b) that the use of the premises as a common lodging-house is not likely to occasion inconvenience or annoyance to the inhabitants or persons in the district in which the premises are situate. A.D. 1928.

(2) If the Corporation refuse to grant or renew registration under this section they shall if required by the applicant deliver to him a statement in writing of the ground or grounds upon which such registration is refused.

(3) If the registration or renewal of registration be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of such refusal and that not less than twenty-four hours' notice of such appeal be sent to the Corporation.

(4) If the registration or renewal of registration be refused upon the ground that the premises are not suitable or suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a properly qualified surveyor or architect to examine and report to them upon the condition of such premises and their suitability for the purposes of a common lodging-house.

(5) The costs of any such appeal including the expenses of any such examination and report as aforesaid shall be paid in such manner and by such parties to the appeal as the court may direct.

(6) On any such appeal the court may after considering any representations made by the Corporation either confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.

**232.** Section 80 (Byelaws to be made by local authority) of the Public Health Act 1875 shall operate so as to include the making by the Corporation of byelaws as regards the maintenance in good condition and free from obstructions of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house and for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any

Byelaws  
relating to  
common  
lodging-  
houses.

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byelaws applicable thereto and of a placard setting forth the cubical contents and the accommodation thereof.

Notice of provisions of Part XI of Act.

**233.** Within one month after the passing of this Act the Corporation shall give notice of the provisions of this Part of this Act to the keeper of every registered common lodging-house in the borough.

## PART XII.

## BATHS.

Use of baths for exhibitions and entertainments.

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

Byelaws as to use of baths &c.

**235.** The power of the Corporation to make byelaws under the Baths and Washhouses Act 1846 shall include power to make byelaws for the regulation management and use of any swimming bath or bathing place when used for any purposes authorised by the immediately preceding section of this Act and the Corporation may appoint such officers and servants as are necessary for the management and superintendence of the bath or bathing place when used for any of the said purposes and may pay reasonable salaries wages and allowances to those officers and servants.

## PART XIII.

## FINANCIAL.

Power to borrow.

**236.—**(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the

respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely):—

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| 1   | 2                  | 3   |
|---|--------------------|---|
| Purpose.  | Amount.            | Period for Repayment.                                 |
| (a) For the purpose of making any payment to any authority under Part II of this Act or under any enactment the provisions of which are applied thereby (including the payment or purchase in the name of the Corporation of any annuity payable by them under any provision contained in or applicable to the provisions of the said Part which annuity the Corporation are hereby empowered to purchase). | The sum requisite. | Forty-five years from the date or dates of borrowing. |
| (b) For the purpose of making any payment under the provisions of the sections of this Act of which the marginal notes are "Compensation to existing officers" and "Determination of compensation."   | The sum requisite. | Twenty years from the date or dates of borrowing.     |
| (c) The purchase of lands for the construction of the street works.   | £<br>8,000         | Sixty years from the date or dates of borrowing.      |
| (d) The construction of the street works  | 4,097              | Thirty years from the date or dates of borrowing.     |
| (e) The purchase of lands for the construction of the waterworks by this Act authorised.  | 2,250              | Sixty years from the date or dates of borrowing.      |
| (f) The construction of the said waterworks.  | 10,200             | Forty years from the date or dates of borrowing.      |
| (g) For the payment of the costs charges and expenses of this Act.  | The sum requisite. | Five years from the passing of this Act.              |

(2) (a) The Corporation may also with the consent of the Minister borrow such further money as may be necessary for or in connection with any purposes of the water undertaking or the markets undertaking or for any of the other purposes of this Act.

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(b) The Corporation may also with the consent of the Minister borrow such further moneys as may be necessary for the purposes of providing a fund for working capital as respects any undertaking of the Corporation.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

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

Power for  
rural  
council to  
borrow.

**237.** For the purpose of providing any capital sums payable to the Corporation under subsection (6) or under paragraph (c) of subsection (8) of the section of this Act whereof the marginal note is "For protection of rural council" the rural council may borrow such sums of money as may be necessary and all provisions of the Public Health Acts applying to or in connection with the borrowing repayment or re-borrowing of money for permanent works of water supply by rural district councils shall apply to any borrowing under this section except that the period within which the borrowed money shall be repaid shall be such period not exceeding forty years as the rural council may think fit and that in calculating the amount which the rural council may borrow under the provisions of the Public Health Acts any sums which they may borrow under this section shall not be reckoned and the amount which the rural council may borrow or re-borrow under this section shall not be restricted in any way by any of the provisions or regulations of the Public Health Acts.

Certain  
provisions  
of Public  
Health Acts  
not to  
apply.

**238.** In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation 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.



**239.** The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debenture stock 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 section 15 (Discharge of loan by sinking fund) and section 16 (Annual return as to sinking fund) of that Act.

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Mode of  
raising  
money.

**240.** 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 to and apply to mortgages granted under this Act (that is to say):—

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

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

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

Mode of  
payment off  
of money  
borrowed.

**242.**—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

Sinking  
fund.

- (a) By payment to the fund throughout the prescribed period of 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

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—

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall subject to the provisions of this Act unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and trans- pose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Corporation 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 or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the

annual payments to the fund are based any such excess may be applied towards such annual payments. A.D. 1928.

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

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of 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 Corporation 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 that any such increase is necessary the Corporation shall increase the payments to such extent as the Minister may direct.

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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

A.D. 1928.

(11) 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 Corporation with the consent of the Minister may determine.

(12) All moneys which at the date of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

Power to  
re-borrow.

**243.**—(1) The Corporation shall have power—

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

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

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

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

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

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

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

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose. A.D. 1928.  
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**244.** In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 the amount which the Corporation may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Corporation under those Acts. As to section 234 of Public Health Act 1875.

**245.—(1)** Where the Corporation have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Third Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

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

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(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the town-clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be

entitled to release or discharge any such mortgage or any moneys secured thereby. A.D. 1928.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

**246.** When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund or loans fund the following provisions shall have effect (that is to say) :— Payments into sinking funds.

In the case of an accumulating sinking fund or loans fund such annual sums as are equivalent to interest on the amount from time to time in that fund at the rate per centum per annum on which the payments of the yearly or other instalments to that fund are based shall be paid to that fund and provided out of the general rate fund and general rate and all interest on the investments of the sinking fund or loans fund shall be carried by the Corporation to the credit of and shall form part of the general rate fund.

**247.** Notwithstanding anything contained in any previous enactment the Corporation 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 renewals depreciation contingent insurance or other similar 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.

(1) 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 Corporation 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

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—

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 :

- (2) 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 Corporation 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 of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :
- (3) 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 reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

Application  
of money  
borrowed.

**248.** All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed for working capital) to which capital is properly applicable.

Period for  
repayment of  
loans under  
Municipal  
Corporations  
Act 1882.

**249.** Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister shall in each case prescribe.

Evidence of  
transfer or  
transmission  
of securities.

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



Act 1890 apply) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

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

Receipt in  
case of  
persons not  
sui juris.

**252.** Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Interest on  
mortgages  
held jointly.

**253.** Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the general rate fund.

Expenses of  
execution of  
Act.

**254.** The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation 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.

Corporation  
not to re-  
gard trusts.

**255.—**(1) Any mortgagee of the Corporation 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.

Appoint-  
ment of re-  
ceiver.

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

Protection  
of lender  
from  
inquiry.

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

Return to  
Minister  
with re-  
spect to  
repayment  
of debt.

**257.**—(1) The town clerk shall if and when he is requested by the Minister so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation 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 town clerk or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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

mandamus to be obtained by the Minister out of the High Court. A.D. 1928.

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the borough requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

**258.**—(1) The Corporation may (if they think fit) provide a reserve fund in respect of the water undertaking by setting aside and investing such an amount as they may from time to time think reasonable and investing the same in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of the undertaking not exceeding a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

Reserve fund for water undertaking.

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

(3) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

**259.**—(1) All moneys received by the Corporation (including the income arising from the investment of any reserve fund) on account of the revenue of the following undertakings of the Corporation (namely):—

- (a) the water undertaking;
- (b) the markets undertaking;
- (c) the baths undertaking;

Application of revenue and payment of expenses of undertakings.

A.D. 1928. shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

(2) The provisions of this section shall not come into operation until the date upon which the first new valuation list made under Part II of the Rating Act comes into force in the borough.

(3) Section 32 (Deficiency of funds of waterworks) and section 34 (Application of water revenue) of the Act of 1877 are hereby repealed.

Separate  
accounts to  
be kept.

**260.**—(1) As from the first day of April nineteen hundred and twenty-nine the Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the following undertakings of the Corporation (that is to say) the water undertaking the markets undertaking and the baths undertaking (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the interest on any reserve fund authorised in connection therewith when such fund amounts to the prescribed maximum) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed and applied by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or applied for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Corporation are authorised to maintain.

(2) Whenever the money received by the Corporation from the water undertaking on account of revenue in any year shall exceed the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of this section then the charges of the Corporation for the supply of water to be made and charged in the next succeeding year shall be reduced in such manner as the Corporation think fit to an extent equivalent to the amount of such excess. Provided that if owing to an increase in the estimated expenditure or to a reduction in the estimated revenue for the said next succeeding year the amount of such excess or any part thereof will be required in order that the revenue may not be less than the amount to be expended or set aside the reduction in charges may be such only as will reduce the revenue by the amount of the balance of such excess.

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(3) The Corporation 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.

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

**261.**—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors appointed under the Municipal Corporations Acts. Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as “the appointed auditor.”

Appointed  
auditors.

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

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(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditor and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

Subscrip-  
tions to  
local  
government  
associations  
and other  
expenses.

**262.** The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882—

(a) Reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

**263.**—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 or the Teachers (Superannuation) Acts 1918 to 1925 or any other Act for the time being in force relating to the superannuation of teachers 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.

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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.

(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who is not entitled to a gratuity under the Teachers (Superannuation) Acts 1918 to 1925 or any Act amending the same and who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not so provided).

#### PART XIV.

##### MISCELLANEOUS.

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

Dwelling-  
houses for  
persons in  
Corpora-  
tion's em-  
ployment.

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

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Power to  
establish  
information  
bureau.

**265.** The Corporation may within the borough establish and maintain an information bureau for the purpose of supplying such information with regard to the borough as may be desired by visitors or intending visitors to the borough and others and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or for information supplied by means thereof.

Power to  
provide and  
let public  
buildings  
&c.

**266.** The Corporation may—

- (1) provide or acquire or may (subject to the approval of the Minister) on any lands of which for the time being they may be the owners or lessees or on lands to be acquired by them for the purpose erect and construct or allow to be erected and constructed and hold furnish equip maintain insure and carry on concert halls public halls pavilions bandstands assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms shelters ante-rooms refreshment rooms kitchens cloak rooms lavatories conveniences and appurtenances and may for any such purposes maintain alter adapt extend or otherwise deal with existing buildings for the time being belonging or leased to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings;
- (2) for the purpose of erecting constructing providing and maintaining any such buildings as aforesaid purchase or take upon lease or otherwise acquire lands by agreement but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands;
- (3) agree (as part of the terms on which the Corporation may acquire or take on lease any existing buildings used at the time of such acquisition for any of the purposes aforesaid) to give to any existing members of or any subscribers to the funds of any company or



society to which such buildings belong any special privileges upon such terms and conditions as may be agreed but no such special privileges shall be given to any person except for his life or a less period nor shall any such privileges be assignable or transferable to any other person;

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- (4) grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Corporation on such terms and conditions as they may think fit.

**267.**—(1) No gas geyser or other similar hot-water apparatus heated by gas shall be used in any premises unless it is supplied with a proper ventilating pipe or shaft open to the external air for the adequate dispersal of fumes or unconsumed gas so as to avoid danger or injury to health.

As to use of  
gas geysers.

(2) The surveyor or inspector of nuisances may at all reasonable times enter any premises where he has reason to believe that any such geyser or hot-water apparatus is retained fitted or used in order to inspect the same and if he be satisfied that such geyser or hot-water apparatus does not comply with the provisions of this section he may order the occupier of the premises to disconnect the same or cause the same to be disconnected from the gas supply and if such disconnection be not effected within twenty-four hours then the surveyor or sanitary inspector may disconnect or cause the same to be disconnected.

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

**268.** Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough 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 Corporation shall not as between themselves and such owner occupier or other person in

In executing  
works in  
default of  
owner or  
occupier no  
liability for  
damages to  
be incurred

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—  
except in  
case of  
negligence.

the absence of any negligence on the part of the Corporation or the surveyor or 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 Corporation 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.

Penalty on  
occupiers  
refusing  
execution of  
Act.

**269.** If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Parts VII or VIII of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Power of  
entry.

**270.** The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Parts VII and VIII of this Act as if those purposes had been mentioned in the said section 102.

General  
provisions  
as to bye-  
laws.

**271.** The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act:

Provided always that as regards the confirmation of byelaws made under the powers of the section of this

Act of which the marginal note is "Power to make byelaws as to fairs" the Secretary of State shall be substituted for the Minister of Health.

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**272.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the 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 mayor or of the town clerk shall be *prima facie* evidence of such appointment authority resolution order or report of any committee of the holding of any meeting or the production of any minute book or other record or document.

Evidence of  
appoint-  
ments  
authority  
&c.

**273.**—(1) Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

Authentica-  
tion and  
service of  
notices &c.

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

**274.** Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose

Breach of  
conditions  
of consent  
of Corpora-  
tion.

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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.

Consents of Corporation to be in writing.

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

Apportionment of expenses in case of joint owners.

**276.** Where under the provisions of this Act or any local Act in force in the borough the Corporation 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 Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Damages and charges to be settled by court.

**277.** Where any damages expenses 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 or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Recovery of demands.

**278.** 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.

As to appeals.

**279.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Parts VII VIII or XI of this Act or by any order made by a court of

summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practical court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

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**280.** Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several  
sums in one  
summons.

**281.** Notwithstanding anything contained in the Second Schedule of the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage.

Service of  
summons on  
members of  
council.

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

Informa-  
tions by  
whom to be  
laid.

**283.** 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.

Recovery  
of penalties  
&c.

**284.** 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

Compensa-  
tion how  
to be deter-  
mined.

A.D. 1928. be ascertained in the manner provided by the Public Health Acts.

Powers of Act cumulative.

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

Saving for indictments &c.

**286.** 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.

Application of section 265 of Public Health Act 1875.

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

Judges not disqualified.

**288.** 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.

Inquiries by Minister.

**289.**—(1) The Minister 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 Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister any expenses incurred by the 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 the Minister not exceeding five guineas a day for the services of such inspector.

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**290.** The Corporation shall not nor shall any other body or person under the powers of this Act construct on over or under the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation or any other body or person shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the owner of such work and the amount of such cost and charge shall be a debt due from the owner of such work to the Crown and shall be recoverable as a Crown debt or summarily.

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

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

Crown rights.

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—  
Costs of Act.

**292.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.



The SCHEDULES referred to in the  
foregoing Act.

A.D. 1928.

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THE FIRST SCHEDULE.

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PART I.—LOCAL ACTS RELATING TO THE EXISTING  
BOROUGH.

| Session and Chapter.  | Short Title.  |
|---|---|
| 7 Geo. 4. c. vii. -<br>8 & 9 Vict. c. lxxxix. -<br>20 & 21 Vict. c. xxx. -<br>40 & 41 Vict. c. clxxiii. | —<br>—<br>Bridgwater Markets and Fairs Act 1857.<br>The Bridgwater (Corporation) Water<br>Act 1877. |

PART II.—CONFIRMATION ACTS AND ORDERS.

| Session and Chapter.       | Short Title.  | Order thereby Confirmed.                          |
|----------------------------|---|---|
| 59 & 60 Vict.<br>c. lxxiv. | The Local Government<br>Board's Provisional<br>Orders Confirmation<br>(No. 1) Act 1896. | The Borough of Bridg-<br>water Order 1896.        |
| 8 Edw. 7.<br>c. cxxxv.     | The Pier and Harbour<br>Orders Confirmation<br>(No. 1) Act 1908.                        | The Bridgwater Port and<br>Navigation Order 1908. |
| 13 & 14 Geo. 5.<br>c. lx.  | The Pier and Harbour<br>Orders Confirmation<br>(No. 2) Act 1923.                        | The Bridgwater Port and<br>Navigation Order 1923. |

A.D. 1928.

THE SECOND SCHEDULE.DESCRIPTION OF PROPERTIES OF WHICH PARTS ONLY MAY  
BE ACQUIRED.

| Area.                 | Number on deposited Plans.  |
|-----------------------|---|
| Borough of Bridgwater | 1 4 5 6 8 9 10 11 12 14 15 16 17 18<br>19 20 21 22 23 24 27 29 30 34 36<br>38 39 40 43 44A 46 47 48 49 50 51. |

THE THIRD SCHEDULE.

## FORM OF MORTGAGE.

## BOROUGH OF BRIDGWATER.

By virtue of the Bridgwater Corporation Act 1928 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Bridgwater (hereinafter referred to as "the Corporation") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year. And it is hereby agreed that the principal sum shall be repaid at the municipal offices in the said borough [(subject as hereinafter provided) on the day of nineteen hundred and or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by ]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended

to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the town clerk for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

A.D. 1928.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this \_\_\_\_\_ day of  
nineteen hundred and \_\_\_\_\_

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 \_\_\_\_\_ nineteen hundred  
and \_\_\_\_\_ [and the interest to be paid thereon on and  
from the \_\_\_\_\_ day of \_\_\_\_\_ nineteen  
hundred and \_\_\_\_\_ is hereby declared to be at the  
rate of \_\_\_\_\_ per centum per annum].

Dated this \_\_\_\_\_ day of  
nineteen hundred and \_\_\_\_\_

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] \_\_\_\_\_ [of  
\_\_\_\_\_ ] in consideration of the sum of  
pounds paid to me by \_\_\_\_\_ of  
(hereinafter referred to as "the transferee") do hereby transfer  
to the transferee [his] executors administrators and assigns [the  
within-written security] [the mortgage number  
of the revenues of the mayor aldermen and burgesses of the  
borough of Bridgwater bearing date the \_\_\_\_\_ day of  
\_\_\_\_\_ ] and all my right and interest under the same  
subject to the several conditions on which I hold the same at  
the time of the execution hereof and I the transferee for myself  
my executors administrators and assigns do hereby agree to  
take the said mortgage security subject to the same conditions.

Dated this \_\_\_\_\_ day of  
nineteen hundred and \_\_\_\_\_

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Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of  
Acts of Parliament.

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