



CHAPTER cxiv.

An Act to empower the mayor aldermen and burgesses of the borough of Poole to provide and work omnibuses to make further provision with regard to the supply of water and the health local government and improvement of the borough and for other purposes. [3rd August 1928.]

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WHEREAS the borough of Poole (hereinafter called "the borough") is under the management and local government of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas the Corporation are the owners of a system of light railways within the borough which are let on lease to and are worked by the mayor aldermen and burgesses of the borough of Bournemouth (hereinafter called "the Bournemouth Corporation") and it is expedient and it has been agreed between the Corporation and the Bournemouth Corporation that part of the said system of light railways should be abandoned and that the agreement scheduled to this Act relating to that matter should be confirmed as by this Act provided and that the other provisions consequential upon such abandonment in this Act contained should be enacted:

And whereas it is expedient that the Corporation should be empowered to provide and work omnibuses:

And whereas the Corporation supply water within and in the neighbourhood of the borough and it is expedient to make the further provision with regard to the

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

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 :—

For and in connection with the provision	£
of omnibuses - - - - -	27,000
For and in connection with the provision	
of buildings for the purposes of the	
omnibus undertaking of the Cor-	
poration - - - - -	9,000

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

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

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

PART I.

PRELIMINARY.

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

Division of Act into Parts. 2. This Act is divided into Parts as follows :—
Part I.—Preliminary.
Part II.—Omnibuses and light railways.

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- Part III.—Water supply.
Part IV.—Streets buildings sewers and drains.
Part V.—Infectious disease and sanitary provisions.
Part VI.—Common lodging-houses.
Part VII.—Hackney carriages and police.
Part VIII.—Financial provisions.
Part IX.—Miscellaneous provisions.

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

(1) The Lands Clauses Acts except—

(a) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement;

(b) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands):

(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 receipt and expenditure of the undertakers):

(3) The Waterworks Clauses Act 1863.

4. 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. And in this Act unless the subject or context otherwise requires—

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

“The borough” means the borough of Poole;

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- “The council” means the council of the borough;
- “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 and Valuation Act 1925 comes into force in the borough the borough fund and the borough rate 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 of health and any sanitary inspector of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;
- “Omnibus” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source;
- “Road authority” means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;
- “The Bournemouth Corporation” means the mayor aldermen and burgesses of the county borough of Bournemouth;
- “The scheduled agreement” means the agreement set forth in the schedule to this Act;
- “The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;
- “The water limits” means the limits for the time being of the Corporation for the supply of water;
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;

- “ Food ” has the meaning assigned to it by section 26 (Definition of “ food ”) of the Sale of Food and Drugs Act 1899; A.D. 1928. —
- “ Daily penalty ” means a penalty for every day on which an offence is continued by a person after conviction;
- “ 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;
- “ 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 Act of 1906 ” “ the Act of 1919 ” and “ the Order of 1899 ” mean respectively the Poole Corporation Water Act 1906 the Poole Corporation Act 1919 and the Poole and District Light Railway Order 1899.

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PART II.

OMNIBUSES AND LIGHT RAILWAYS.

Power to
provide and
run omni-
buses.

5.—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the borough and with the consent of the Minister of Transport and the local authority of the district along any route outside the borough within a distance of ten miles from Poole railway station. Provided that the consent of a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

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

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

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

(5) The Corporation shall perform in respect of the omnibuses provided under this section such services in regard to the conveyance of mails as are prescribed by

the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies. A.D. 1928.

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

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

6.—(1) (a) Before the Corporation commence to run omnibuses over any road or part of a road it shall be determined by agreement between the Corporation and the road authority or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening. Adaptation
of roads.

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

(c) If the Corporation give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (a) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of

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such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount so to be paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

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

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

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

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

(3) If any such adaptation alteration reconstruction or strengthening as aforesaid shall involve an alteration

of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act. A.D. 1928.

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

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

(6) Nothing contained in this Act shall impose any obligation upon any railway or canal company to strengthen adapt alter or reconstruct any bridge or road maintainable by them or enlarge any existing obligation.

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

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

8. If the Corporation do not within three years from the giving of the consent of the Minister of Transport to the running by the Corporation of omnibuses on any route outside the borough provide a service of omnibuses on such route or having provided shall discontinue any such service the said Minister may on the application of any local authority within whose borough or district the route or any part of the route is situate and after Provision in event of certain powers not being exercised within prescribed time.

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— considering any representation which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the said Minister may by such order prescribe the powers of the Corporation under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Corporation under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease. Provided that this section shall not apply or have effect in the event of the failure of the Corporation to provide a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Corporation.

Fares and
charges &c.

9.—(1) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses of the Corporation fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport. Any application for a revision of such maximum fares or charges may be made by the Corporation or by the local authority of any borough or district in which such omnibuses are run. Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held. Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

(2) Every passenger travelling upon the omnibuses of the Corporation may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat required for a passenger nor be of a form or description to annoy or inconvenience other passengers.

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

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(4) The fares and charges for the time being authorised under the provisions of this Act shall be paid to such persons and at such places upon or near to the omnibuses and in such manner and under such regulations as the Corporation may by notice to be annexed to the lists of fares and charges appoint.

10. If any person wilfully and unlawfully does or causes to be done with respect to any apparatus used for or in connection with the working of the light railways of the Corporation anything which is calculated to obstruct or interfere with the working of such light railways or to cause injury to any person he shall be liable to a penalty not exceeding twenty pounds.

Penalty for
malicious
damage.

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

Power for
Corporation
to suspend
traffic.

12.—(1) The Corporation and any local authority empowered to run omnibuses in any borough or urban or rural district adjacent to the borough or adjacent to any borough or urban or rural district in which any route over which the Corporation are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus

Working
and other
agreements.

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(2) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the borough or on any route over which the Corporation are for the time being empowered to run omnibuses.

(3) The Corporation and any such local authority company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say) :—

- (a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such omnibuses ;
- (b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants ;
- (c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties ;
- (d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service lands depôts buildings sheds or property beyond the borough otherwise than with the consent of the local authority of the borough or district within which such omnibus service

lands depôts buildings sheds or property are situate
Provided that on complaint being made to the Minister
of Transport that such consent is unreasonably withheld
the Minister may if he thinks fit by order dispense with
such consent.

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13. The Corporation may run through cars along
any of the routes of the light railways of the Corporation
or any specified portion thereof and through omnibuses
along any route on which the Corporation are for the
time being authorised to run omnibuses and such cars
and omnibuses shall be distinguished from other cars
and omnibuses in such manner as may be directed by
the Corporation and they may demand and take for
every passenger carried on such cars and omnibuses a fare
or charge not exceeding the maximum fare or charge
authorised or chargeable for and in respect of the whole
of such route or the whole of the portion thereof traversed
by any such car or omnibus Provided that during the
running of such through cars or omnibuses the Corpora-
tion shall maintain a reasonably sufficient ordinary
service of cars or omnibuses as the case may be.

Through
cars and
omnibuses.

14. The Corporation may appoint the stations and
places from which cars on their light railways and their
omnibuses shall start or at which they may stop for the
purpose of taking up or setting down passengers and
may make regulations fixing the time during which such
cars and omnibuses shall be allowed to remain at any
such place but any such appointment and regulations
shall (as respects any station or place outside the borough)
be subject to the consent of the local authority of the
borough or district within which that station or place is
appointed which consent shall not be unreasonably with-
held and any question as to whether or not any such
consent is unreasonably withheld shall be determined by
the Minister of Transport.

Corporation
may ap-
point stop-
ping and
starting
places.

15.—(1) Notwithstanding anything contained in
this or any other Act or Order to the contrary the Cor-
poration may on any occasion run and reserve cars on
any of the light railways of the Corporation and omni-
buses on any route on which the Corporation are for the
time being authorised to run omnibuses for any special
purpose which the Corporation may consider necessary

Power to
reserve cars
for special
purposes.

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or desirable provided that such special cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as the Corporation may direct and that during the running of such special cars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of cars or omnibuses as the case may be.

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

(3) The restrictions contained in this or any other Act or Order of the Corporation as to fares rates or charges for passengers shall not extend to any special cars run upon the light railways of the Corporation or omnibuses run for such special services as aforesaid and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

Shelters or
waiting-
rooms.

16.—(1) The Corporation may erect and maintain sheds shelters and waiting-rooms for the accommodation of passengers on any light railways or omnibus routes established under the authority of the Order of 1899 or this Act and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads due regard being given to the convenience of the general traffic along any such street or road but shall not use for the purpose any part of the highway outside the borough without the consent of the local and road authorities.

(2) Section 50 (Waiting-rooms for passengers) of the Order of 1899 is hereby repealed.

Cloak-
rooms &c.

17. The Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their light railway undertaking (including the omnibus undertaking authorised by this Act) and at suitable places on the routes of the light railways of the Corporation or on any of their omnibus routes and the Corporation may make charges for the use of such cloak-rooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

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

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For protec-
tion of rail-
way com-
panies.

Notwithstanding anything contained in this Act no shed shelter waiting-room cloak-room or room shall be erected maintained or provided or starting or stopping place appointed nor shall the Corporation require persons waiting at any stopping place or any terminus to wait in any line or queue so as to cause interference with or to render less convenient the access to or exit from any station depôt or property belonging to any railway company nor shall any such shed shelter waiting-room or cloak-room be erected maintained or provided on any bridge carrying any street or road over the railway of any railway company.

19.—(1) Any property found in any car on the Corporation's light railways or in any shelter or waiting-room in connection with their light railway undertaking during the continuance of the lease of those light railways to the Bournemouth Corporation shall forthwith be handed to the conductor of the car or be taken to the tramways offices at Bournemouth and after the termination of such lease shall be dealt with in accordance with the provisions of subsection (2) of this section relating to property found in an omnibus of the Corporation or in any shelter or waiting-room in connection with their omnibus undertaking.

Lost pro-
perty.

(2) Any property found in any omnibus of the Corporation or in any shelter or waiting-room in connection with their omnibus undertaking shall forthwith be handed to the conductor of the omnibus or be taken to a place to be appointed for the purpose by the Corporation.

(3) If any property referred to in subsection (1) or subsection (2) of this section be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the light railway undertaking of the Corporation.

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

20.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the light railways or omnibuses of the Corporation signs or directions indicating the position of stopping places for light railway cars and omnibuses. Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the said owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

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

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

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to any railway company without the consent of such company in writing.

(5) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Bournemouth Corporation without the consent in writing of that corporation.

As to bye-laws &c.
under this
Part of this
Act.

21. Any byelaws and regulations made by the Corporation under the provisions contained in this Part of this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

Omnibuses
to form part
of light rail-
way under-
taking.

22. Subject to the provisions of this Act the omnibus undertaking authorised by this Act shall be deemed to form part of the light railway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their light railway undertaking the receipts and

expenditure upon and in connection with omnibuses shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking and in such accounts capital shall be distinguished from revenue.

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

Accounts to be furnished to Minister of Transport.

24. The agreement made the fourteenth day of December nineteen hundred and twenty-seven between the Corporation of the one part and the Bournemouth Corporation of the other part and set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto.

Scheduled agreement confirmed.

25.—(1) At any time after the passing of this Act the Minister of Transport may by order authorise or require the Corporation to abandon or discontinue temporarily or permanently any of the Corporation's light railways along the route of which the Corporation have provided or are about to provide omnibuses under the provisions of this Act.

As to abandonment of light railways.

(2) Before making any order under the provisions of this section the Minister of Transport may hold such inquiry as he may consider desirable.

(3) Any order made under the provisions of this section may as from such date as may be specified therein provide for the cesser of all or any of the powers liabilities duties or obligations conferred or imposed upon the Corporation by any Act or Order relating to any light railway to be abandoned or discontinued in pursuance of such order and may provide for the removal of the rails of such light railway from the surface of the road and for the portion of the road upon which such rails were laid to be left in good repair and condition so as to comply with the requirements of any Act or Order :

Provided that in the event of any such light railway being removed from a road within the borough which is maintained by the Corporation under the provisions of section 11 of the Local Government Act 1888 the Corporation shall at their own expense reinstate and make

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good the part of the road used for the purposes of the light railway in accordance with a specification to be reasonably approved by the surveyor to the Dorset County Council and carry out the work specified therein to his reasonable satisfaction. Any difference which may arise between the Corporation and the said county council under this proviso shall be determined by an arbitrator to be agreed upon between the Corporation and the said county council or (failing agreement) to be appointed on the application of either party by the Minister of Transport.

(4) The provisions of section 66 (Cheap fares for labouring classes) of the Order of 1899 shall apply to any service of omnibuses provided under the powers of this Act in substitution for a service of light railway carriages to the same extent as the said provisions applied to the light railway replaced by such service.

For protec-
tion of
Bourne-
mouth Cor-
poration.

26. Notwithstanding anything contained in this Act the following provisions for the protection of the Bournemouth Corporation shall unless otherwise agreed in writing between the Corporation and the Bournemouth Corporation apply and have effect (that is to say):—

- (1) The Corporation shall not under or by virtue of the powers conferred upon them by the sections of this Act of which the marginal notes respectively are "Power to provide and run omnibuses" and "Working and other agreements" provide or run or enter into any agreement authorising any other authority company or person to provide or run omnibuses within the borough of Bournemouth or during the continuance of the lease or agreement for a lease contained in the Second Schedule to the Bournemouth Corporation Tramways Act 1903 along any road or part of a road in the borough forming part of the route of the light railways authorised by the Order of 1899 except with the consent of the Bournemouth Corporation which consent may be given upon such terms and subject to such conditions as the Bournemouth Corporation in their absolute discretion may think fit. Provided that the consent of the Bournemouth Corporation shall not be required.

to the running of omnibuses between Poole Terminus and Park Gates East except in respect of omnibuses running to or from County Gates :

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- (2) During the continuance of the said lease or agreement for a lease the provisions of the section of this Act of which the marginal note is "As to abandonment of light railways" shall not apply to any of the light railways authorised by the Order of 1899 unless with the consent of the Bournemouth Corporation.

PART III.

WATER SUPPLY.

27.—(1) Where any premises supplied with water by the Corporation are let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year or where the rateable value of such premises is less than ten pounds 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 be deducted by him from the rent from time to time due from him to the owner :

Rates payable by owners of small houses.

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.

(2) Section 46 (Rates payable by owners of small houses) of the Act of 1906 is hereby repealed.

28. When water supplied by the Corporation 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 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 half-yearly in advance and be recoverable in the same manner as water rates.

Supply of water by hose-pipe to stables &c.

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

29.—(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 or inn or (c) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein or (d) any school not maintained by the local education authority.

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

(3) The minimum half-yearly charge for a supply of water by measure to any of the premises in this section mentioned shall be one-half 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 51 (Supply to houses partly used for trade &c.) of the Act of 1906 is hereby repealed.

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

30.—(1) For the purpose of complying within the water limits 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 within the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made.

31.—(1) If by reason of any injury to or defect in any communication pipe within the water limits 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.

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Power to Corporation to repair communication pipes.

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

32. When several houses or parts of houses within the water limits 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.

Maintenance of common pipe.

PART IV.

STREETS BUILDINGS SEWERS AND DRAINS.

33.—(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 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

Development scheme may be required in connection with new streets.

A.D. 1928. 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.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) 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.

(4) The said owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(5) (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 or refusal 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.

(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough. A.D. 1928. —

34.—(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 streets to be constructed 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 of Health 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 may 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 boundaries.

(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 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 an 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

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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 of Health 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.

Frontage
line in new
streets.

35.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan 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 maintainable 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 such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the six weeks aforesaid without their approval nor beyond or in front

of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings. A.D. 1928.

(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 of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of 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 purpose 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.

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

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Hoardings
and similar
structures.

36.—(1) (a) No fence hoarding or other similar structure (in this section referred to as “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—

(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 (Provisions as to byelaws relating to new streets) 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 expenses incurred by them in so doing from the offender.

(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 the provisions of this section. A.D. 1928.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at 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.

37. The Corporation may by notice in writing require the owner of any hoarding to maintain the same and any advertising matter thereon in good order and condition and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from the owner any expense incurred by them in so doing. Repair of
hoardings.

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

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

(3) Any person who places or erects any hoarding or fence in contravention of the provisions of this section

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shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) (a) Any person deeming himself aggrieved by any requirement or prohibition or by the withholding of any approval of or by the Corporation under this section may within fourteen days from the date of such requirement prohibition or refusal of approval appeal to a 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 may direct.

(5) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

Banners
signs &c.
over streets.

39.—(1) If the Corporation shall by resolution determine that any banner streamer notice board sign or lettering suspended across or hung over any street within the borough for the purposes of advertisement or announcement is a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the street across or over which such banner streamer notice board 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 notice board 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 notice board 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 notice board 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.

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(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 notice board sign or lettering as is referred to in subsection (1) hereof which was in use on the eighteenth day of November nineteen hundred and twenty-seven.

(4) Any person aggrieved by any requirement of any notice of the Corporation or the withholding of permission by the Corporation 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' 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 of the Corporation under this section.

(5) If any person shall neglect to comply with any requirement of any notice of the Corporation under the provisions of subsection (1) of this section or with any condition attached to any permission given by the Corporation the Corporation may themselves remove the banner streamer notice board sign or lettering the subject of the notice or of such permission and may recover the cost of so doing from the owner of the banner streamer notice board sign or lettering.

40.—(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

A.D. 1928. 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.

Elevation of buildings erected on front lands to require approval.

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

(i) All buildings or additions to buildings which may be erected on that land shall be erected in accordance with elevations approved by the Corporation;

(ii) If the owner lessee or occupier of any such land shall construct—

(a) any door or entrance in an existing building communicating with that street; or

(b) any wall or fence by the side of that street;

he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation;

(iii) If the Corporation within six weeks after any elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the elevations.

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

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

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

Erection of buildings to greater height than adjoining buildings.

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

43.—(1) Before any person shall erect on any land within the borough 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 and any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

Provisions as to tents vans &c.

A.D. 1928:

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Means of
access to
buildings.

45.—(1) Upon the deposit of the plans of any new building the Corporation may by notice in writing require the provision before the building is erected of sufficient means of communication between the building and a street.

(2) If it appears to the Corporation to be necessary that the sufficient means of communication to be provided under this section shall be in the form of a street the Corporation may by their notice require a new street to be laid out and if the Corporation consider that the construction of a new street is desirable they may by their notice require a new street to be constructed.

(3) The Corporation may if they think fit defray or contribute to the cost of the provision of means of communication under this section.

(4) Where notice of a requirement under this section has been given by the Corporation a person shall not commence to erect or proceed with the erection of any building to which the notice relates until the notice of the Corporation has been complied with or until security has been given to the satisfaction of the Corporation that the notice will be complied with.

(5) 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.

(6) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction provided he gives twenty-four hours' written notice of the 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.

(7) Notice of the right of appeal shall be endorsed on every notice communicating a requirement of the Corporation under this section.

(8) In arriving at a decision upon an appeal under this section the justices shall consider whether the expenses of complying with the requirements of the notice would cast an unreasonable burden upon the appellant having regard to the amount of any contribution towards those expenses which the Corporation are prepared to pay.

46.—(1) Where plans and sections of a new street have been deposited with and approved by the Corporation no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for such person except with such consent to erect the building or any fence nearer to the centre of the street than such line.

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No building
allowed
until street
defined.

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

47.—(1) Every building erected after the passing of this Act exceeding two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or boarding 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 the 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.

Means of
escape from
buildings in
case of fire.

(2) (a) From and after the first day of July 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 flats or as a tavern hotel hospital boarding-house common lodging-house or boarding school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with

A.D. 1928. — proper and sufficient means of escape from each upper storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' 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.

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

(3) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to a court of summary jurisdiction and thereupon the said court after giving the occupier an opportunity of being heard shall have power to make such order as appears to the court just and equitable under all the circumstances of the case and to award costs.

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

(5) 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.

(6) 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 or any enactment amending those sections apply. A.D. 1928.
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(7) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

48.—(1) In the case of any building within the borough 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. Dangerous buildings.

(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.

49.—(1) Every dwelling-house erected within the borough after the passing of this Act shall be provided with a 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

(2) (a) Every existing dwelling-house within the borough and every dwelling-house within the borough the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with a sufficient and properly ventilated pantry

A.D. 1928. — or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

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

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

Byelaws as
to altera-
tions of
buildings.

50. 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 as can be required in relation to the erection of a new building.

Area of
habitable
rooms.

51. 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.

52. 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—

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—
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 block 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.

53. 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):—

Byelaws as to materials and construction of buildings &c.

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

54.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be altered and construed as if the following sub-paragraphs were

Further amendment of section 157 of

A.D. 1928. added immediately after the sub-paragraph numbered (4) in the said section:—

Public
Health Act
1875:

“(5) For requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health:

“(6) For securing the adequate lighting of buildings.”

(2) The said section 157 shall also in its application to the borough be read and have effect as if it empowered the Corporation to require by byelaws the deposit of plans and sections by persons intending to construct any drain in connection with a building.

As to re-
striction of
air space.

55. 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 “space about buildings” had been inserted therein before the words “drainage of buildings” in subsection (2) of that section. Provided that no byelaw with respect to the space about buildings shall be made so as to affect buildings erected before the times mentioned in section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 unless such buildings or the curtilage thereof shall be altered after the making of such byelaw.

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

56.—(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 within the borough occupied by a separate family as it applies to the whole of a house.

(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.

Byelaws as
to water-
closets.

57. The Corporation may make byelaws for preventing the improper use of waterclosets and the blocking of the pipes therefrom.

Combined
drains.

58.—(1) If it appears to the Corporation that two or more houses within the borough may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists

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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 owner or 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 owner or 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 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.

59.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil-pipe within the borough is stopped up or otherwise defective the medical officer or the 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

Defective
drains &c.

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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.

60. If any drain (including any joint or combined drain) within the borough 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.

Wilful
damage to
drains
water-
closets &c.

61. If any person cause any drain watercloset earthcloset privy or ashpit within the borough to be a nuisance or injurious 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.

For protec-
tion of rail-
way com-
panies under
this Part of
Act.

62. Nothing in this Part of this Act except the sections of which the marginal notes are—

“ Hoardings and similar structures ” ;

“ Repair of hoardings ” ;

“Provisions as to tents vans &c.”;

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“Means of escape from buildings in case of fire”;

“Food storage accommodation to be provided”;

“Area of habitable rooms”;

“Byelaws as to erection of dwelling-houses under continuous roof”;

shall apply or extend to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or land is used or held by such company primarily for railway purposes.

PART V.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

63.—(1) If the owner of any dwelling-house or premises occupied therewith within the borough 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 council 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.

Filthy
premises.

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

64.—(1) The occupier of any building within the borough 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

Penalty on
withholding
information
from medi-
cal officer.

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medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

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

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

Medical
practition-
ers to notify
cases of food
poisoning.

65.—(1) Every medical practitioner attending on a person within the borough 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.

(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.

Persons to
furnish
names of
laundrymen
to whom
clothes &c.
from in-
fected
houses sent.

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

67. 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 within the borough 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.

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Prohibition
on infected
person
carrying on
business.

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

Removal of
body of per-
son dying of
infectious
disease.

69.—(1) On any inspection carried out by the medical officer the sanitary inspector or any other officer of the Corporation under the provisions of section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found in any room making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the occupier of the room or the agent of such person the officer's intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third

As to in-
spection of
premises
used for
storage of
food.

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part if he deems it right to have the sample analysed to the public analyst.

(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 1907.

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

70.—(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 within the borough in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

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

(3) If any 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.

(4) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

Penalty on original vendor of unsound food.

71.—(1) Where it is shown that any animal or article liable to be seized under section 116 (Power of medical officer of health to inspect meat &c.) of the Public Health Act 1875 (as extended by section 28 (Extension of 38 & 39 Vict. c. 55 ss. 116-119) of the Public Health Acts Amendment Act 1890) 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 (Power of justice to order destruction of unsound meat &c.) 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.

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(2) Where any article of food has been condemned by a justice under section 117 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 as extended by section 28 (Extension of 38 & 39 Vict. c. 55 ss. 116-119) of the Public Health Acts Amendment Act 1890 the person to whom the same belongs or did belong at the time of deposit of such article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 as extended by section 28 (Extension of 38 & 39 Vict. c. 55 ss. 116-119) 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 the sanitary inspector of the intention of the medical officer or the sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

72. Sections 116 to 118 (relating to unsound meat &c.) of the Public Health Act 1875 as amended by section 28 (Extension of 38 & 39 Vict. c. 55 ss. 116-119) of the Public Health Acts Amendment Act 1890 shall

Further powers in relation to unsound meat.

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extend to authorise the medical officer or the 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 animal or any of the articles referred to in the said sections 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 in the exercise at any railway station or upon any railway premises of a railway company of the powers conferred upon him by this section such medical officer or sanitary inspector shall conform to such reasonable requirements of the railway company owning or using such station or premises as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to the said company the powers conferred upon the medical officer or sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection of goods by the said company.

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

73.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

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

Provision of public slaughter-houses and prohibition of private slaughter-houses thereafter.

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

(a) acquire by agreement any premises within the borough used for the purpose of slaughtering cattle sheep goats or swine (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee or occupier of such premises ;

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

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(2) At any time after the expiration of three years from the passing of this Act and after the Corporation have provided an adequate slaughter-house in a convenient position (to the satisfaction of the Minister of Health) and after the expiration of six months from the date of publication by the Corporation in a local newspaper circulating in the borough of notice to that effect no person shall slaughter in the way of trade any cattle within the borough except in a slaughter-house provided by the Corporation but this restriction shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle belonging to him and not slaughtered for the purpose of trade or by a farmer on premises occupied by him for agricultural purposes only and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds.

(3) The Corporation shall pay or tender compensation to the owner and occupier of any slaughter-house registered prior to the passing of the Public Health Act 1875 and of any slaughter-house the licence in respect of which is not required to be renewed periodically or is not revocable by the Corporation and (in either case) closed under the provisions of this section and the amount of such compensation shall in case of difference be settled as cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly 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 respect of the closing of such slaughter-house.

(4) The fees and charges to be demanded and received by the Corporation in respect of the use of any slaughter-house provided by them or of any convenience connected therewith shall be regulated by byelaws to be approved by the Minister of Health and the Corporation may make byelaws accordingly Provided that the Corporation shall have power to charge for any slaughter-house let at a weekly monthly or other rent such sum as may be agreed upon by the Corporation and the renters.

(5) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1927 or of any

A.D. 1928. — order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

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

75.—(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.

(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 in regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

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

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner

provided by the Public Health Act 1875 Provided A.D. 1928.
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 pro-
visions of subsection (1) of this section he shall be liable
for each offence to a penalty not exceeding five pounds.

76.—(1) The powers contained in section 169 Byelaws as
(Power to provide slaughter-houses) of the Public Health to slaughter-
Act 1875 and the enactments incorporated therewith houses.
to make byelaws with respect to slaughter-houses shall
extend to and include the making and enforcement of
byelaws :—

- (a) For preventing the slaughter of animals in any
pound pen lair or pining-house forming part of
any registered or licensed premises; and
- (b) For preventing the slaughter of any animal
within public view.

(2) Nothing in any byelaw made under this section
shall affect the operation of the Diseases of Animals Acts
1894 to 1927 or of any order licence or act of the Minister
of Agriculture and Fisheries made granted or done there-
under.

77.—(1) Where any person being the owner of any Notice of
bull ox cow heifer calf sheep lamb or pig which is ema- slaughter of
ciated or diseased and unfit for human food is about to animal unfit
slaughter the same or about to cause the same to be for human
slaughtered he shall give previous notice to the medical food.
officer or the sanitary inspector of such intention and
shall on the application of the medical officer or the
sanitary inspector within six weeks from the date of such
slaughter furnish such information within his knowledge
as the medical officer or the sanitary inspector may reason-
ably require for the purpose of enabling inquiries to be
made to trace the disposition of the carcase or any part
thereof.

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

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(3) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

Discontinu-
ance of
offensive
trade.

78.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 (Power to declare a business to be an offensive business) of the Public Health Acts Amendment Act 1907 and in the opinion of the Corporation it is inexpedient in the interests of the public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade.

Such notice shall be deemed to be a requirement of the Corporation within the meaning of the section of this Act of which the marginal note is "Appeal" and the owner or occupier (as the case may be) may appeal accordingly.

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

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

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

PART VI.

A.D. 1928.

COMMON LODGING-HOUSES.

79.—(1) Section 69 (Discretion as to registration of lodging-house keeper) of the Public Health Acts Amendment Act 1907 shall in its application to the borough be read as if the words “if that person is newly registered after the commencement of this section” were omitted from subsection (2) of the said section.

Further provisions as to registration of common lodging-houses.

(2) Notwithstanding anything in the Public Health Acts 1875 to 1907 the registration of a common lodging-house whether registered before or after the passing of this Act shall remain in force only for such time not exceeding one year as may be fixed by the Corporation but may be renewed from time to time by the Corporation.

(3) Within one month after the passing of this Act the Corporation shall give notice of the provisions of this section to the keeper of every registered common lodging-house in the borough.

80. 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 obstruction of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house.

Byelaws as to common lodging-houses.

81. Notice shall be given to the Corporation of the death of any common lodging-house keeper in the borough forthwith after the same shall have occurred and the right by section 77 (All common lodging-houses to be registered and to be kept only by registered keepers) of the Public Health Act 1875 conferred upon the widow or any member of the family of a common lodging-house keeper to keep such common lodging-house open and to receive lodgers therein for four weeks after such death without registration shall not be exerciseable unless such notice shall have been duly given.

Procedure on death of common lodging-house keeper.

82. No house or part of a house within the borough shall be exempt from the provisions with respect to common lodging-houses of the said Public Health Acts or 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.

Application of common lodging-house provisions to certain houses &c.

A.D. 1928.

PART VII.

HACKNEY CARRIAGES AND POLICE.

Provisions
as to motor
vehicles let
for hire.

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

Power to
impose test
on motor
drivers.

84. 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. Provided that this section shall not apply to a person who has passed any test approved by the Minister of Transport of his ability to drive.

Insurance
by hackney
carriage
proprietors.

85. The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage or omnibus if the applicant fails to satisfy them that he effects and keeps on foot an insurance with a responsible insurance company against or makes adequate financial provision for meeting any liability that may be incurred by him in respect of any injury or damage occasioned by such hackney carriage or omnibus to any person or property but in the event of any licence to ply for hire with an omnibus being refused under this section the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 (Local licensing fees to cease to be chargeable) of the Roads Act 1920 and all the provisions of that subsection shall apply accordingly.

86.—(1) All byelaws for regulating licensed hackney carriages and the conduct of the drivers thereof and all provisions of the local Acts of the Corporation (including this Act) relating to hackney carriages and of the Town Police Clauses Act 1847 for the time being in force within the borough shall apply to licensed hackney carriages and the drivers thereof within a distance of seven miles from the town hall of the borough if the hiring takes place within the borough. Provided that it shall not be obligatory on the drivers of licensed hackney carriages to contract to carry persons for hire beyond the borough. Provided also that if the hiring takes place within the borough any offence against any such byelaw whether such offence shall have been committed within the borough or not may be brought before and be determined by any justices or justice of the peace having jurisdiction in the borough.

A.D. 1928.
—
Prescribed
distance for
hackney
carriages &c.

(2) For the purposes of this section the expression “hackney carriage” shall not include an omnibus.

87.—(1) The Corporation may from time to time make regulations prescribing within the central area referred to in subsection (10) of this section—

Regulations
for con-
trolling
traffic.

- (a) the streets which are not to be used for traffic by vehicles of any specified class or classes either generally or during specified times;
- (b) the streets along which vehicular traffic shall pass in one direction only and the direction in which such traffic shall pass;
- (c) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers:

Provided that no regulation made under paragraphs (a) or (b) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the central area whilst so engaged.

(2) The Corporation may also from time to time make regulations prescribing the streets to which omnibus traffic is to be limited in the part of the borough situated south of a line drawn from County Gates along the southern boundary of Poole Road to Potteries Junction thence along the southern boundary of Ashley Road to

A.D. 1928. its junction with Constitution Hill Road thence along the southern boundary of that road to its junction with Ringwood Road thence along the southern boundaries of that road and Longfleet Road to the line of the circle of the central area.

(3) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister of Transport for his approval and shall give notice of the subject-matters of the regulations by advertisement in a local newspaper circulating in the borough and in the London Gazette and in such other manner (if any) as the said Minister may direct. The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the said Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(4) The said Minister shall consider any regulations submitted to him by the Corporation and any representations thereon which may be duly made and may approve the regulations with or without modifications or may disapprove the same.

(5) Before approving any regulations the said Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the said Minister for the services of such person.

(6) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(7) The regulations shall take effect as approved by the said Minister and shall come into force on a date to be fixed by him. A.D. 1928.
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(8) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper circulating in the borough and otherwise in such manner as may be prescribed by the said Minister and shall also during the continuance of any regulation approved under paragraph (b) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the said Minister indicating the effect of the regulation and the street to which it relates.

(9) As respects any regulation made and approved under this section (subject to any modification or extension made by the said Minister as hereinafter provided) any person who—

(a) shall contravene any regulation under paragraph (a) of subsection (1) of this section or under subsection (2) of this section after warning given by word or signal by a police constable in uniform; or

(b) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (b) of the said subsection and a warning notice shall have been erected pursuant to subsection (8) of this section in contravention of such regulation; or

(c) shall contravene any regulation under paragraph (c) of subsection (1) of this section;

shall be liable to a penalty not exceeding forty shillings.

(10) In this section—

(a) "the central area" means any part of the borough which is within a radius of half a mile from the town hall of the borough; and

(b) "specified" means specified in any regulations made or approved under this section.

(11) Any company body or person running omnibuses in the borough may at any time apply to the said Minister to modify any regulation made under this section on the

A.D. 1928.

ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the borough or has been unfairly enforced and upon any such application the said Minister after considering any representations made to him by the Corporation may modify the regulation to which the application relates.

Regulations
as to stands
or stopping
places of
omnibuses.

88.—(1) The Corporation may make regulations prescribing within the borough—

(a) as respects omnibuses in general or omnibuses of any particular class or used on any particular route or running according to a published time-table the stands which may be occupied exclusively by them and the places where they may stop for longer than is necessary for the purpose of picking up and setting down passengers; and

(b) the time during which any omnibus shall be allowed to remain at a prescribed stand or stopping place;

and any omnibus standing upon any such stand or stopping place in accordance with regulations made under this section shall be deemed to be within the exception in the ninth paragraph of section 28 (Penalty on persons committing any of the offences herein named) of the Town Police Clauses Act 1847.

(2) Upon the coming into force of the regulations first made under this section the sixth paragraph of section 6 (Byelaws) of the Town Police Clauses Act 1889 shall cease to extend to the borough and any byelaws made by the Corporation under that paragraph shall be repealed.

(3) Where the Corporation propose to make regulations under this section they shall cause notice of their proposal and a statement of the effect of the proposed regulations to be published in at least one local newspaper circulating within the borough and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the borough.

(4) Every such notice shall indicate the date (which shall not be less than twenty-eight days) within which any objection to the regulations shall be sent in writing to the Corporation and shall contain a notification of

the place at which copies of the proposed regulations may be obtained free of charge. A.D. 1928.

(5) The Corporation shall consider and determine any objection to the proposed regulations which is sent to them in writing within the time fixed in that behalf and shall send notice of their decision to the objector who if he is dissatisfied with their decision may within fourteen days after the receipt of the notice appeal to the Minister of Transport.

(6) A notification of the right of appeal under this section shall be included in any notice sent by the Corporation of their decision on an objection to the regulations and upon any appeal being made to the said Minister notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the Corporation.

(7) The said Minister shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

(8) Before making any order under this section the said Minister may and if an appeal duly made is not withdrawn shall (unless the appeal appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 (Power to hold inquiries) of the Ministry of Transport Act 1919 and the provisions in subsections (5) and (6) of the section of this Act the marginal note whereof is "Regulations for controlling traffic" as to expenses and notices of local inquiries shall extend to any local inquiry so directed by the said Minister.

(9) Where an objection has been made to regulations proposed by the Corporation under this section the regulations shall not be sealed by the Corporation until after the expiration of the time within which an appeal may be made by the objector to the said Minister or if an appeal to the said Minister has been made by the objector until after the determination or withdrawal of the appeal.

(10) Any company body or person running omnibuses in the borough may at any time apply to the said Minister to modify any regulation made under this section on the ground that such regulation as in force for the

A.D. 1928. — time being has been found to be or has become unsuitable for the traffic requirements of the borough or has been unfairly enforced and upon any such application the said Minister after considering any representations made to him by the Corporation may modify the regulation to which the application relates.

Evidence of regulations made by Corporation.

89. Section 24 (Evidence of byelaws) of the Municipal Corporations Act 1882 which relates to the proof of byelaws shall extend to regulations made by the Corporation under the two preceding sections of this Act as the said section 24 extends to byelaws so made.

Omnibuses to run in accordance with time-tables.

90.—(1) The Corporation may attach to a licence to ply for hire with an omnibus within the borough a condition requiring the establishment and maintenance of a regular service of omnibuses run in accordance with a time-table to be prepared by the applicant and approved by the Corporation.

(2) The applicant may give seven days' notice to the Corporation of any proposed variation of such time-table and if the Corporation do not approve of such variation within seven days after receipt of such notice they shall be deemed to have approved of the time-table as varied.

(3) Any approval of the Corporation under this section shall not be unreasonably withheld and no such condition shall be attached to any licence to ply for hire on any route unless a similar condition shall be attached to every other licence to ply for hire on that route or any portion of that route.

(4) In the event of any licence to ply for hire with an omnibus being refused under this section or in the event of any other difference arising under this section the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 (Local licensing fees to cease to be chargeable) of the Roads Act 1920 and all the provisions of that subsection shall apply accordingly.

(5) The proprietor of any omnibus who permits the same to ply for hire contrary to any such condition endorsed on his licence therefor under this section shall be liable to a penalty not exceeding five pounds.

91.—(1) No person shall in any street road promenade parade public walk garden or place of recreation on the sea front or at any place in any street within fifty yards thereof or at any hackney carriage or omnibus stand or on the seashore or beach (above or below high-water mark) within the borough importune any person by touting for a hotel lodging-house refreshment house shop boat garden theatre omnibus hackney carriage or any place of amusement nor without the consent of the Corporation hawk sell or offer for sale any article or commodity Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Corporation may think fit.

A.D. 1928.

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Prohibition
of touting
and hawk-
ing in
streets &c.

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

(3) Any person aggrieved by the refusal of the consent of the Corporation under this section may appeal to a petty sessional court provided that such appeal is made within fourteen days from the date on which such refusal is notified to him and that notice in writing of such appeal is sent to the Corporation not less than seven days before the hearing thereof and the court may make such order as it thinks fit and may award costs.

92. Every person who shall on Sundays, in any street or public place 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.

Penalty for
crying news-
papers on
Sundays.

PART VIII.

FINANCIAL PROVISIONS.

93.—(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

Power to
borrow.

A.D. 1928.

all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall respectively be "the prescribed period") mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period of Repayment.
(a) For and in connection with the provision of omnibuses.	£ 27,000	Eight years from the date or dates of borrowing.
(b) For and in connection with the provision of buildings for the purposes of the omnibus undertaking of the Corporation.	9,000	Thirty years from the date or dates of borrowing.
(c) 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 borrow with the consent of the Minister of Transport such further moneys as may be necessary for any of the purposes of Part II (Omnibuses and light railways) of this Act and (except as otherwise in this section provided) with the consent of the Minister of Health such moneys as may be necessary for any of the other provisions of this Act.

(b) The Corporation may also borrow such further moneys as may be necessary for the purpose of providing a fund for working capital in respect of the light railway undertaking of the Corporation or the omnibus undertaking authorised by this Act with the consent of the Minister of Transport.

(c) Any moneys borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister with whose consent the moneys are borrowed 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 moneys borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

94. The following provisions of the Act of 1906 shall subject as regards mortgages granted under section 76 (Power to use one form of mortgage for all purposes) of the said Act to the provisions of that section extend and apply to and for the purposes of this Act as if those provisions were with all necessary modifications re-enacted in this Act (namely):—

A.D. 1928.

Application
of provi-
sions of Act
of 1906.

- Section 63 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);
- Section 64 (Mode of raising money);
- Section 65 (Provisions of Public Health Act 1875 as to mortgages to apply);
- Section 66 (Mode of payment off of money borrowed);
- Section 67 (Sinking fund) Provided that the said section shall be read and have effect as if the words “three pounds
“ten shillings per centum per
“annum or such other rate as the
“Minister of Health may from
“time to time provide” were inserted in subsection (1) (b) of that section instead of the words “three pounds per centum per annum”;
- Section 68 (Protection of lender from necessity of inquiry);
- Section 69 (Corporation not to regard trusts);
- Section 70 (Appointment of receiver);
- Section 74 (Application of money borrowed).

95. The Corporation shall apply any capital moneys received by them from the Bournemouth Corporation under the scheduled agreement and not applied towards the cost of reinstating the road from which the light railway authorised by the Poole and District Light Railway (Extension) Order 1903 shall have been removed in or towards the extinguishment of any loan raised by the Corporation under the powers of this or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment

Application
of moneys
received
from
Bourne-
mouth Cor-
poration.

A.D. 1928.

of such loan except to such extent and upon such terms as may be approved by the Minister of Health.

Apportion-
ment of
items.

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

Consoli-
dated loans
fund.

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

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

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

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation— A.D. 1928.

- (a) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation;
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; and
- (c) in the payment of dividends and interest on the stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

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

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

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

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

98. Where more persons than one are registered as joint holders of any mortgage annuity or stock of the Corporation any one of them may give an effectual

Interest on mortgages &c. held jointly.

A.D. 1928. — receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Receipt in case of persons not sui juris.

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

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

100.—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the 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 treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk 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 purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision 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. A.D. 1928.

101. 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 contingent superannuation or 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 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 or by the issue of bonds 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:

A.D. 1928.

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

Period for repayment of loans under Municipal Corporations Act 1882.

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

As to section 234 of Public Health Act 1875.

103. 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 of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the total debt of the Corporation under those Acts.

Evidence of transfer or transmission of securities.

104. 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.

Expenses of execution of Act.

105. 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.

PART IX.

A.D. 1928.

MISCELLANEOUS PROVISIONS.

106. The Corporation may appropriate and set apart such part or parts of their Sandbanks Recreation Ground not exceeding in the whole one acre as they may think fit as a parking place or as parking places for vehicles and the part or parts of the said recreation ground so appropriated and set apart shall be held and used as a parking place or parking places under and subject to the provisions of subsections (4) (6) (7) and (9) of section 68 (Power to provide parking places for vehicles) of the Public Health Act 1925.

Power to set apart part of Sandbanks Recreation Ground as a parking place for vehicles.

107. On the thirty-first day of March nineteen hundred and twenty-nine all and every right custom privilege or power other than in matters ecclesiastical and in relation to ecclesiastical charities within the meaning of the Local Government Act 1894 vested in or exerciseable by the parishioners ratepayers or inhabitants in vestry assembled of the parish of Poole shall cease to be so vested or exerciseable and on and after that day every such right custom privilege or power shall for and within the said parish be vested in and exerciseable by the Corporation.

Transfer to Corporation of powers of vestry.

108.—(1) Any water rent rate or charge payable to the Corporation may be collected together with the general rate and the same books may be used for the said rents rates and charges.

Water rate &c. may be collected with general rate.

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

(3) The Corporation may demand water rents rates and charges both within and beyond the borough by half-yearly instalments in advance on the thirty-first day of March and the thirtieth day of September in each year but so that the same shall not be recoverable until the expiration of two months from the said thirty-first day of March and thirtieth day of September respectively.

(4) The Corporation may from time to time if they think fit make an allowance by way of discount not

A.D. 1928, exceeding five per centum on the amount due in respect of any water rent rate or charge or any instalment thereof from every person who pays the same within such time after demand of the rent rate or charge or any instalment thereof as the case may be as the Corporation may prescribe.

(5) Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rent rate or charge or any instalment thereof shall be demanded.

(6) Subsections (1) and (2) of Article 8 (Collection of water rate or rent with borough rate and poor rate) of the Poole Order 1924 are hereby repealed.

Service of
summons on
members of
council.

109. 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.

Application
of further
provisions
of Act of
1906 and
provisions
of Act of
1919.

110. The following further sections of the Act of 1906 and the following sections of the Act of 1919 shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say):—

The Act of 1906—

Section 80 (Inquiries by Local Government Board):

Provided that for the purposes of this Act subsection (2) of the said section 80 shall be read and have effect as if the words “ five guineas ” were substituted for the words “ three guineas ” therein;

Section 81 (Authentication and service of notices &c.);

Section 83 (Recovery of penalties);

Section 86 (Recovery of demands).

The Act of 1919—

Section 87 (Informations by whom to be laid);

Section 88 (Powers of Act cumulative);

- Section 91 (Damages and charges to be settled by court); A.D. 1928.
 Section 92 (Application of section 265 of Public Health Act 1875);
 Section 93 (Saving for indictments &c.);
 Section 94 (Compensation how to be determined);
 Section 95 (Judges not disqualified).

111. 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 IV (Streets buildings sewers and drains) V (Infectious disease and sanitary provisions) VI (Common lodging-houses) or VII (Hackney carriages and police) 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 practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Appeal.

112. 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.

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

Power to enter premises.

114. 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

In executing works in default of owner or

A.D. 1928.
—
occupier no
liability for
damages to
be incurred
except in
case of
negligence.

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 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
occupier
refusing
execution of
Act.

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

Expenses
may be
declared
private im-
provement
expenses.

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

117. 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.

A.D. 1928.

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Consents of Corporation to be in writing.

118. 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 other than byelaws made under Part II (Omnibuses and light railways).

General provisions as to byelaws.

119. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act or any existing Act or Order of the Corporation the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Inquiries by Minister of Transport.

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

Crown rights.

121. 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 out of the general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose.

Costs of Act.

A.D. 1928.

The SCHEDULE referred to in the
foregoing Act.

AN AGREEMENT made the fourteenth day of December one thousand nine hundred and twenty-seven between the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF BOURNEMOUTH acting by the Council (hereinafter called "the Bournemouth Council") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF POOLE acting by the Council (hereinafter called "the Poole Council") of the other part.

WHEREAS under and by virtue of the several Acts of Parliament deeds and documents mentioned in the schedule hereunder written the Poole Council are the owners in fee simple of certain light railways in the borough of Poole particularly described in the said Orders and the Bournemouth Council are the lessees of the same light railways for a term of thirty years which will expire on the seventh day of June one thousand nine hundred and thirty-five :

And whereas the light railway authorised by the Poole and District Light Railway (Extension) Order 1903 mentioned in the said schedule is hereinafter referred to as "the extension railway" :

And whereas by the terms and conditions of the agreement of fifth May one thousand nine hundred and three mentioned in the said schedule hereto the Bournemouth Council are under obligation during the said term of thirty years to keep in repair the permanent way electrical equipment poles and apparatus of the said light railways :

And whereas the present condition of the permanent way of the extension railway is such that in order to effectually carry out the obligations imposed upon them by the said agreement of fifth May one thousand nine hundred and three the Bournemouth Council would have to incur considerable expense :

And whereas it has been agreed between the parties hereto that in the event of the Poole Council obtaining the statutory powers hereinafter referred to to run omnibuses generally in the borough of Poole the Bournemouth Council shall surrender and the Poole Council shall accept a surrender of the lease referred

to in paragraph 4 of the said agreement of the fifth day of May one thousand nine hundred and three but so far only as it relates to the extension railway upon the terms hereinafter mentioned : A.D. 1928.

Now it is hereby agreed between the parties hereto as follows that is to say :—

1. The Poole Council shall in the next practicable session of Parliament promote a Bill for the purpose of enabling them to obtain powers to run omnibuses generally in the borough of Poole.

2. Within three calendar months after the said Bill shall have been passed into and become an Act of Parliament the Bournemouth Council shall pay to the Poole Council the sum of twenty thousand pounds.

3. Immediately after the payment by the Bournemouth Council to the Poole Council of the said sum of twenty thousand pounds the Bournemouth Council will take up the whole of the existing track of the extension railway and the standards brackets and wires in connection therewith and remove the material so taken up from the roads affected thereby but the Bournemouth Council shall be under no obligation to restore the roadway after such material has been removed Provided always that the work to be undertaken by the Bournemouth Council shall be executed at such time or times and in such manner as shall be approved by the engineer of the Poole Council and the Bournemouth Council as soon as they shall have commenced the execution of such work shall proceed therewith continuously until it has been completed and the Bournemouth Council shall be at liberty to retain as their own property all the material of the extension railway which they are hereby required to remove.

4. Upon payment by the Bournemouth Council to the Poole Council of the said sum of twenty thousand pounds and when the works to be executed by the Bournemouth Council as mentioned in clause 3 hereof have been completed the Bournemouth Council will make and execute to the Poole Council and the Poole Council shall accept a surrender of the said lease so far as it relates to the extension railway but so that such surrender shall not be deemed to affect the light railways included in the said lease other than the extension railway or save as aforesaid the rights liabilities powers and obligations of the Poole Council and the Bournemouth Council respectively in relation to the said light railways under the said agreement of fifth May one thousand nine hundred and three or otherwise.

5. This agreement is subject to the approval of Parliament and to such alterations as Parliament may think fit to make

A.D. 1928. — therein but if the Committee of either House of Parliament on the Bill make any material alteration in this agreement it shall be competent for either party thereto to withdraw the same and in the event of the powers which by means of the said Bill the Poole Council will seek to obtain to run omnibuses generally in the borough of Poole being refused by Parliament or if the Poole Council withdraw the Bill in consequence of such alterations being made therein by Parliament as they are unable to accept these presents and everything herein contained shall be deemed to be null and void.

6. This agreement is subject to the consent of the Ministry of Transport being given to the borrowing by the Bournemouth Council of a loan for the said sum of twenty thousand pounds.

In witness whereof the corporate seals of the Bournemouth Council and the Poole Council have been hereunto affixed the day and year first before written.

The SCHEDULE hereinbefore referred to.

1. The Poole and District Light Railway Order 1899 made by the Light Railway Commissioners and confirmed by the Board of Trade on 17th August 1899.

2. The Poole and District Light Railway (Extension) Order 1903 made by the Light Railway Commissioners and confirmed by the Board of Trade on 5th February 1903.

3. The Bournemouth Corporation Tramways Act 1903.

4. 5th May 1903 Agreement made between the mayor aldermen and burgesses of the borough of Bournemouth of the first part the mayor aldermen and burgesses of the borough of Poole of the second part and the urban district council of Branksome of the third part set out in the Second Schedule to the Bournemouth Corporation Tramways Act 1903.

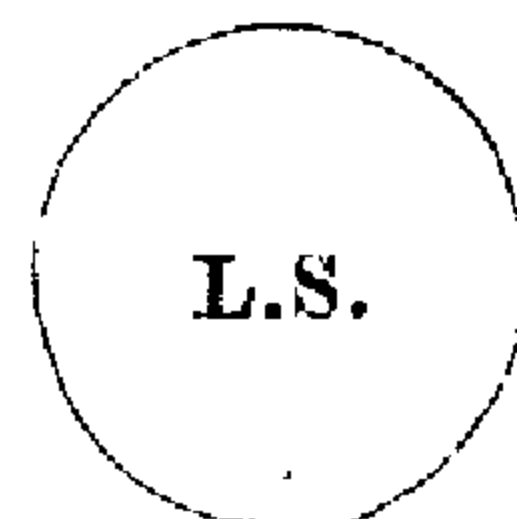
5. The Poole Extension Order 1905 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1905.

6. 19th April 1909 Conveyance made between the Poole and District Electric Traction Co. Ltd. of the first part Emile Garcke and William Frederick Cox of the second part the mayor aldermen and burgesses of the borough of Bournemouth of the third part and the mayor aldermen and burgesses of the borough of Poole of the fourth part.

7. 10th October 1921 Agreement between the mayor aldermen and burgesses of the borough of Bournemouth of the one part and the mayor aldermen and burgesses of the borough of Poole of the other part.

A.D. 1928.
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The corporate seal of the mayor aldermen and burgesses of the county borough of Bournemouth was hereunto affixed in the presence of



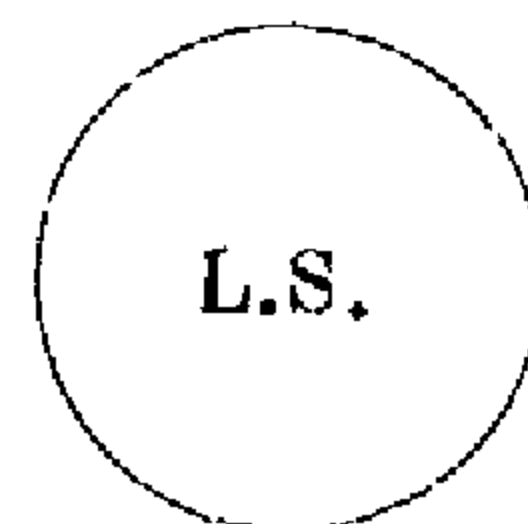
FREDK. S. MATE

Deputy Mayor.

H. ASHLING

Town Clerk.

The corporate seal of the mayor aldermen and burgesses of the borough of Poole was hereunto affixed in the presence of



WM. P. HUNT

Mayor.

CHARLES LISBY

Town Clerk.

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