



CHAPTER xxvi.

An Act to empower the mayor aldermen and burgesses of the borough of Clifton Dartmouth Hardness to acquire lands to construct a river wall and new road and to make further provision with regard to markets and the health local government and improvement of the borough and for other purposes. [2nd July 1928.] A.D. 1928.

WHEREAS the borough of Clifton Dartmouth Hardness is a municipal borough under the government of the mayor aldermen and burgesses of the borough of Clifton Dartmouth Hardness (in this Act called "the Corporation") who acting by the council of the borough are also the urban sanitary authority for the district comprising the borough:

And whereas it is expedient to empower the Corporation to construct a river wall and embankment and a new road and to reclaim lands and foreshore and to use the same as a pleasure ground:

And whereas the Corporation are the market authority for the borough and it is expedient that further powers should be conferred on the Corporation with regard to the market undertaking:

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:

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

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

And whereas the purposes of the 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 :—

	£
(a) For the construction of the river wall and new road authorised by this Act	27,031
(b) For the reclamation and filling in of land and foreshore - - - - -	500

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

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Dartmouth Corporation Act 1928.

2. This Act is divided into Parts as follows (that is to say):—

Part I—Preliminary.

Part II—Works and lands.

Part III—Streets buildings sewers and drains.

Part IV—Infectious disease and sanitary provisions.

Part V—Financial provisions.

Part VI—Miscellaneous.

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Division of
Act into
Parts.

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):—

Incorpora-
tion of
Acts.

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

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

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

(2) Sections 14 15 24 28 99 and 100 of the Harbours Docks and Piers Clauses Act 1847:

Provided that the following expressions used in the said Act of 1847 shall have the following respective meanings (that is to say):—

The expressions “packet boat” and “Post Office packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression “Post Office bag of letters” means a mail bag as defined by the said Act:

Provided also that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

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Interpre-
tation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

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

“The borough” means the borough of Clifton Dartmouth Hardness;

“The council” means the council of the borough;

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

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

“The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“The Act of 1815” means the Act 55 George III. cap. xxviii;

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition

of Land (Assessment of Compensation) Act 1919 A.D. 1928.
and by this Act;

- “ Infectious disease ” means (except where otherwise stated) any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;
- “ Child ” means a person under the age of sixteen years;
- “ Sunday school ” means any school or building in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- “ Daily penalty ” means a penalty for each day on which an offence is continued by a person after conviction;
- “ Food ” has the meaning assigned to it by section 26 (Definition of food) of the Sale of Food and Drugs Act 1899;
- “ 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 undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;
- “ Principal moneys ” means all moneys borrowed or to be borrowed by the Corporation under any statutory borrowing power (including the borrowing powers under this Act) and not raised by the issue of Corporation stock;

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“Markets” includes any market house market hall or market place provided by the Corporation at the time of the passing of this Act or which may hereafter be provided;

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

PART II.

WORKS AND LANDS.

Power to
construct
works.

5.—(1) Subject to the provisions of this Act the Corporation may make and maintain the following works in the lines and according to the levels and upon the lands shown on the deposited plans and sections together with all such footways carriageways approaches landing places slipways steps sewers drains junctions connections embankments railings sluices culverts retaining walls abutments fences aprons lights works appliances and conveniences as may be necessary or convenient.

(2) The works hereinbefore referred to and authorised by this section will be situate in the borough and are—

Work No. 1 A river wall or embankment (Work No. 1) on the foreshore of the river Dart commencing at a point thirty yards or thereabouts south of the northern end of the existing river wall of the north embankment in the enclosure numbered 13 on the $\frac{1}{2500}$ Ordnance map edition 1906 Devonshire sheet CXXVIII. 13 and terminating at a point in the existing river wall on the north side of Combe Mud two yards or thereabouts south-east of the southern corner of the building used as a waiting room of the Dartmouth steam ferry in the same enclosure;

Work No. 2 A new road commencing at the commencement of Work No. 1 and terminating at the eastern end of Combe Road 315 yards or thereabouts from the commencement of Work No. 1.

Limits of
deviation.

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

exceeding three feet upwards or downwards Provided A.D. 1928.
that no deviation either lateral or vertical below high-
water mark shall be made without the consent in writing
of the Board of Trade.

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

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

8. If the works authorised by this Part of this Act Period for
completion
of works.
are not completed within three years from the passing
of this Act then on the expiration of that period the
powers by this Act granted to the Corporation for the
making thereof or otherwise in relation thereto shall cease
except as to such of them or so much thereof respectively
as shall then be completed :

Provided that the Corporation may reconstruct or
renew any part of the said works.

9. Subject to the provisions of this Act the Cor- Stopping up
of public
slipway.
poration may stop up and discontinue the use of the
public slipway known as the Ship in Dock slip and as from
the date thereof all rights of way or user over the same
shall be extinguished :

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Provided that notwithstanding the stopping up of the said public slipway the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said slipway any telegraphic line of the Postmaster-General which is in upon along over or across the same and the Corporation shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other place as the Postmaster-General may require.

Power to
take lands.

10. Subject to the provisions of this Act the Corporation may for and in connection with the construction of the river wall and embankment and new road authorised by this Part of this Act or for the purpose of pleasure grounds or land for games enter upon take and use the lands property and foreshore described in the First Schedule to this Act and delineated on the deposited plans and marked thereon "Area A" and described in the deposited book of reference or any part or parts thereof.

Reclama-
tion of lands
and use as
pleasure
grounds.

11.—(1) Subject to the provisions of this Act the Corporation may reclaim fill up and level any lands forming part of the bed channel or foreshore of the river Dart or other lands contained and situate between the landward side of the proposed river wall and embankment and the boundary of the road known as Combe Road leading from Dartmouth to the Dartmouth steam ferry.

(2) The lands so reclaimed shall be deemed to be a pleasure ground or land acquired for games by the Corporation for the purposes of cricket football or other games and recreations (or partly the one and partly the other) as the Corporation may from time to time determine and the Corporation may exercise in respect of the said land the powers conferred upon them by the Public Health Acts.

Omission or
mis-state-
ment in
deposited
plans and
deposited
book of
reference.

12. If there is any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two

justices acting for the borough for the correction thereof and if it appears to the justices hearing the application that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in this certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace of the county of Devon and a duplicate thereof shall be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands in accordance with such certificate.

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

Period for compulsory purchase of lands.

14. All private rights of way or easements over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished :

Extinction of private rights of way.

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

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

Compensation in case of recently acquired interest.

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Further
powers for
the acqui-
sition of
land.

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

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

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health; or

(b) in such other manner as may be approved by the Minister of Health.

Retention
and
disposal of
lands.

17.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration

of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Acts 1890 to 1925) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

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Provided that the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of such Minister is necessary or has been obtained :

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

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

18.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital

Proceeds of
sale of
surplus
lands.

A.D. 1928. — moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act (other than lands acquired under the section of this Act of which the marginal note is "Further powers for the acquisition of land") in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that—

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

PART III.

STREETS BUILDINGS SEWERS AND DRAINS.

As to
houses with-
out water
supply.

19.—(1) The owner of any dwelling-house or tenement in the borough which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the means of affording such a supply of water are not available and cannot be made available at a reasonable cost :

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

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

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

Further
amend-
ment of
section 157
of 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.

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

Erection of
retaining
walls.

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

22. 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

Byelaws as
to alteration
of buildings.

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of buildings whether or not erected in accordance with byelaws and with respect to the submission of such plans and sections in relation thereto as can be required in relation to the erection of a new building.

Removal of
dilapidated
and
neglected
buildings.

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

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

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

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

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

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As to
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.

25.—(1) Section 36 (Power of local authority to enforce provision of privy accommodation for houses) of the Public Health Act 1875 shall apply to a part of a house occupied by a separate family as it applies to the whole of a house and that section shall with the necessary modifications apply accordingly.

Closet
accommo-
dation
in houses
occupied by
more than
one family.

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

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

As to
defective
drains &c.

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(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.

As to
repair of
drains.

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

Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit.

Improper
construction
or repair of
watercloset
or drain.

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

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

29. If any person cause any drain watercloset earthcloset privy or ashpit 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 :

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Wilful
damage to
drains
water-
closets &c.

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.

PART IV.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

30. For the purposes of the sections of this Act of which the marginal notes are "Parents to notify infectious disease" "Power to close Sunday schools and exclude children from entertainments" and "Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails" respectively the expression "infectious disease" includes in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation" measles German measles whooping cough chicken-pox scabies ringworm and influenza.

Definition
for purposes
of this Part
of Act.

31.—(1) Any person being a parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

Parents to
notify
infectious
disease.

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

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— be called as a witness.

(2) For the purposes of this section the expression
“ school ” shall include a Sunday school.

Power to
close
Sunday
schools and
exclude
children
from enter-
tainments.

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

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

Restriction
on attend-
ance of
children at
Sunday
schools
and places
of assembly
when
infectious
disease
prevails.

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

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

As to
filthy
premises.

34.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf

may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the 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 to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

A.D. 1928.
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(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.

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

Disinfection
in case of
tuberculosis.

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

(c) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any

A.D. 1928. officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

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

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

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

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

Penalty on
original
vendor of
unsound
food.

36.—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 (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 of man (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 said section 117 unless he proves that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition. A.D. 1928.

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

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

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

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

(3) Provided that the foregoing provisions of this section shall not apply to any covered ashtubs or other receptacles for refuse in use at the passing of this Act

A.D. 1928. — so long as the same are of suitable material size and construction and in proper order and condition.

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

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

Byelaws in
respect of
fried fish
shops.

38. The Corporation may make byelaws with respect to the trade or business of a fish frier for the purposes of subsection (2) of section 51 of the Public Health Acts (Amendment) Act 1907 notwithstanding that such trade or business may not have been declared to be an offensive trade in pursuance of subsection (1) of that section.

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

39. 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.

Agreements
as to
slaughter-
houses.

40. 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 animals intended for food (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.

41.—(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.

A.D. 1928.

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

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

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

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875

A.D. 1928. — Provided always that in case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

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

PART V.

FINANCIAL PROVISIONS.

Power to
borrow.

42.—(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 of that table and in order to secure the repayment of the said sums and the payment of interest thereon the Corporation may mortgage or charge the respective revenue funds and rate mentioned in the third column of the said table and they shall pay off 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 fourth column of the same table (namely):—

Purpose.	Amount.	Charge.	Period for repayment.
(a) For the acquisition of lands and foreshore.	The sum requisite.	General district rate.	Sixty years from the date or dates of borrowing.
(b) For the construction of the river wall and new road authorised by this Act.	£27,031	General district rate.	Thirty years from the date or dates of borrowing.
(c) For the reclamation and filling in of land and foreshore.	£500	General district rate.	Seven years from the date or dates of borrowing.
(d) For paying the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.

A.D. 1928.

Provided that no sum shall be borrowed for the purpose (a) in this subsection mentioned without the consent of the Minister of Health and provided further that the amount specified in the second column of the said table for purpose (b) shall be reduced to the extent of any grants that may be received by the Corporation for such purpose.

(2) (a) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act.

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

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

(3) The provisions of this section prescribing the revenue funds or rates which may be mortgaged or charged shall not limit the powers conferred on the Corporation by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

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

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

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

44. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Certain provisions of Public Health Acts not to apply.

A.D. 1928.

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Mode of
payment
off of
money
borrowed.

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

Sinking
fund.

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

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

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

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

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

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

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

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

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

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

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

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

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

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

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

Power to
re-borrow.

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

- (a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or
- (b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the

Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

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

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

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

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

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

48.—(1) Where the Corporation have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

Power to
use one
form of
mortgage
for all
purposes.

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

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

A.D. 1928. any time after the date of the first grant of a mortgage under this section.

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

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

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

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

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

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

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United

Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee. A.D. 1928.
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(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

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

49.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of moneys borrowed and charged upon all the revenues of the Corporation and not shown by the deed to be raised in exercise of a particular borrowing power specified therein. Power to use sinking fund instead of borrowing.

(2) The Corporation when exercising the powers conferred on them by this section shall—

- (a) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (b) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal

A.D. 1928.
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to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

- (c) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Minister of Health with regard to the exercise of the powers contained in this section as that Minister shall require.

Application
of money
borrowed.

50. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Evidence of
transfer or
transmission
of securities.

51. 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.

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

A.D. 1928.

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Receipt in
case of
persons not
sui juris.

53. 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 borough fund.

Expenses of
execution
of Act.

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

Corporation
not to
regard
trusts.

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

Appoint-
ment of
receiver.

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

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

Protection
of lender
from
inquiry.

57. 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

Period for
repayment of
loans under
Municipal
Corporations
Act 1882.

A.D. 1928. — sixty years as the Minister of Health shall in each case prescribe.

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

58.—(1) The town clerk shall if and when he is required 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 borough accountant or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the 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 (other than the foregoing provisions of this section) of any enactment now in force in the borough requiring an annual return to be made

to the Minister with regard to the repayment of debt is hereby repealed. A.D. 1928.

59. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations (if any) thereof required to be set apart for or paid into such sinking fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (that is to say):—

Investment
of and
payments
into sinking
fund.

The accumulations of the said yearly sums shall be paid and provided out of the borough fund and the borough rate or the district fund or general district rate respectively and any interest dividends and the proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and form part of the borough fund and district fund respectively.

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

Interest on
mortgages
held jointly.

61.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the following undertakings of the Corporation (that is to say) the entertainments undertaking the ferry undertaking the markets undertaking and the water undertaking (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking (including the interest on any reserve fund authorised in connection therewith when such fund amounts to the prescribed maximum) and on the other

Separate
accounts to
be kept.

A.D. 1928.

—

side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed and applied by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed and applied for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain.

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

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

Reserve
funds.

62.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the following undertakings (namely):—

- (a) the entertainments undertaking;
- (b) the ferry undertaking;
- (c) the markets undertaking;
- (d) the water undertaking;

by setting aside and investing such an amount as they may from time to time think reasonable and investing the same in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of the undertaking not being more

than one-fifth of the aggregate capital expenditure on the ferry undertaking and one-tenth of the aggregate capital expenditure on each of the remaining undertakings.

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

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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

63. The rates and charges demanded by the Corporation for the supply of water shall be not more than sufficient so far as can be estimated to enable the water undertaking of the Corporation to be carried on without loss after providing for the matters set out in the section of this Act of which the marginal note is "Separate accounts to be kept" and so that no part of the revenue from such rates and charges shall be carried to the credit of the district fund except so far as may be necessary for making good any deficiency in the revenue account of the said undertaking which may have been met out of the district fund after the passing of this Act.

As to
water
revenue.

PART VI.

MISCELLANEOUS.

64. The Corporation may compound with any person with respect to the payment of tolls and charges authorised at any time to be taken by the Corporation in the markets but so that no preference be in any case

Tolls may
be com-
pounded.

A.D. 1928. — given to any person over any other person using the markets under like circumstances.

Power to hold additional markets.

65.—(1) Notwithstanding anything contained in the Act of 1815 it shall be lawful for the Corporation to hold a market on Tuesday in every week and such market shall be in addition to the market authorised by that Act.

(2) The Corporation shall be entitled to take and demand in connection with such market the same tolls and charges as they may demand in respect of the market held under the provisions of the Act of 1815.

Power to grant gratuities in certain cases.

66.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Acts 1906 to 1923 grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or been paid if he had continued in his office or service.

Subscriptions to local government associations and other expenses.

67. The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882—

(a) Reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with any public

ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough. A.D. 1928.

68. Subject to the provisions of this Act—

As to
baths and
bathing
pools.

- (1) The Corporation may construct and may maintain alter extend enlarge improve repair furnish and equip or discontinue sell and dispose of open or covered sea-water or fresh-water swimming and other baths and bathing pools with all necessary conveniences and appliances:
- (2) The Corporation may make and enforce bye-laws for the management use and regulation of the said baths and bathing pools and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply to such baths and bathing pools and the Corporation may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make:
- (3) The Corporation may also lay down and provide such sea-water intake pipes apparatus and fittings as may be incidental to or necessary for supplying sea-water to any baths belonging to them and for the purpose of laying and repairing such pipes apparatus or fittings may break up streets repairable by them and alter the position of any culverts pipes and wires under any street Provided that the Corporation shall not alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:
- (4) The Corporation may let on lease to any company or person for such term and on such

A.D. 1928.

conditions as they may think fit any baths or bathing pools provided by them as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths or bathing pools contained in this section.

Regulation
as to
horses
carriages
&c. on
North
Embank-
ment.

69. The Corporation may by order during the period from the thirtieth day of April to the thirtieth day of September in each year while there shall be a band performance or a concert in progress on the new ground prohibit the use of all horses or carriages within the meaning of the Highways Acts as extended by the Local Government Act 1888 on the North Embankment and such order shall be painted or placed on boards which shall be kept fixed or placed on some conspicuous parts of the North Embankment Any person offending against any such order shall for every offence be liable to a penalty not exceeding forty shillings.

In executing
works for
owner
Corporation
liable for
negligence
only.

70. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in 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.

71. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Parts III or IV of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an

order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

A.D. 1928.

72. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Parts III and IV of this Act as if those purposes had been mentioned in the said section 102.

Power of entry.

73. 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 :

General provision as to byelaws.

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

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

Evidence of appointments authority &c.

75.—(1) Where any notice or demand under this Act or under any local Act or order or any byelaw for

Authenti- cation and

A.D. 1928. the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

—
service of
notices &c.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Apportion-
ment of
expenses in
case of
joint owners.

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

Several
sums in one
summons.

77. 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.

Service of
summons on
members of
council.

78. 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.

Informa-
tions by
whom to be
laid.

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

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

A.D. 1928.

Powers of
Act cumulative.

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

Saving for
indictment
&c.

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

Application
of section 265
of Public
Health Act
1875.

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

Judges not
disqualified.

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

Inquiries by
Minister of
Health.

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

A.D. 1928.

—
For protec-
tion of
Dartmouth
Harbour
Commis-
sioners.

85.—(1) Notwithstanding anything in this Act contained the Corporation shall not allow passengers or goods to be landed or embarked on Work No. 1 or Work No. 2 without the consent of the Dartmouth Harbour Commissioners.

(2) In the event of any landing or embarkation on or from Work No. 1 or Work No. 2 the Dartmouth Harbour Commissioners shall be entitled to receive and recover from persons so landing on or embarking therefrom or persons loading or discharging goods thereon or therefrom the tolls and dues which would be payable to them in respect of the user of their own quay.

Crown
rights.

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

Works
below high-
water mark
to be
subject to
approval of
Board of
Trade.

87.—(1) Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be

recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt. A.D. 1928.

88. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Corporation under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Survey of
works by
Board of
Trade.

89.—(1) Where any work constructed by the Corporation under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

Abatement
of work
abandoned
or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the

A.D. 1928. Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Permanent
lights on
works.

90.—(1) After the completion of the works by this Act authorised the Corporation shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Lights on
works
during con-
struction.

91.—(1) The Corporation shall at or near such part of the works by this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Provision
against
danger to
navigation.

92.—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on

summary conviction to a penalty not exceeding ten pounds and in case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

A.D. 1928.

93. Nothing contained in this Act shall extend to authorise the Corporation to take use enter upon or interfere with any land soil or water or take away diminish alter prejudice or affect any property rights profits privileges powers or authorities belonging to or enjoyed by His Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by His Majesty in right of the said Duchy) the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable in relation to the said Duchy or (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by the Duke of Cornwall for the time being) the consent of such Duke testified in writing under the Seal of the Duchy of Cornwall first had and obtained for that purpose.

Saving
rights of
Duchy of
Cornwall.

94. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the borough fund and borough rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

Costs of
Act.

A.D. 1928.

The SCHEDULES referred to in the
foregoing Act.

THE FIRST SCHEDULE.

AREA "A."

Lands properties and foreshore in the borough situate within the area marked "A" delineated on the deposited plans and bounded by a line commencing at a point on the existing river-wall 30 yards or thereabouts south of the northern end of the North Embankment thence proceeding in a northerly direction to the north-east corner of the North Embankment thence in a westerly direction across the end of the North Embankment to the eastern boundary of the premises formerly in the occupation of the Torbay Paint Company Limited thence in a northerly direction for a distance of 83 yards or thereabouts along the river-wall to the north-eastern corner of the premises used as a yard or dépôt by the Dartmouth Corporation thence in a westerly direction for a distance of 47 yards or thereabouts along the northern boundary of the premises last referred to and to a point at the north-eastern corner of the public slipway known as the Ship in Dock Slip thence in a southerly direction for a distance of 34 yards or thereabouts along the western boundary of the yard or dépôt before-mentioned to a point where the said boundary intersects the public highway known as Clarence Street thence to the south-eastern corner of the premises known as Combe Cottages thence along the whole riverward boundary of the public highway known as Combe Road to a point in the river wall 2 yards or thereabouts south-east of the southern corner of the building used as a waiting room at the Dartmouth Steam Ferry thence in a north-easterly direction for a distance of 55 yards or thereabouts along the top of the river-wall of the slipway of the Dartmouth Steam Ferry to the line of low water mark of ordinary tides as shown on the 1/500 Ordnance map Devonshire sheets Nos. CXXVIII 13.6 and CXXVIII 13.1 edition 1888 thence in a generally southerly direction along the said line of low water mark of ordinary tides to a point 21 yards or thereabouts east of the point first referred to and thence in a westerly direction to the said point first referred to.

THE SECOND SCHEDULE.

A.D. 1928.

FORM OF MORTGAGE.

BOROUGH OF CLIFTON DARTMOUTH HARDNESS.

By virtue of the Dartmouth Corporation Act 1928 and of other their powers in that behalf enabling the mayor aldermen and burgesses of the borough of Clifton Dartmouth Hardness (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the borough accountant of the borough by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ nineteen hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the Guildhall in the said borough (subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation :

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the borough accountant for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this _____ day of _____ nineteen hundred and _____

A.D. 1928.

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named
 consenting the within-mentioned time for repayment of the
 within-mentioned principal sum is hereby
 extended to the day of nineteen
 hundred and [and the interest to be paid
 thereon on and from the day of nineteen
 hundred and is declared to be at the rate
 of per centum per annum].

Dated this day of nineteen
 hundred and

FORM OF TRANSFER OF MORTGAGE.

I [the within-named]
 of
 in consideration of the sum of pounds paid
 to me by
 of
 (hereinafter referred to as "the transferee") do hereby transfer
 to the transferee [his] executors administrators and assigns [the
 within-written security] [the mortgage number
 of the revenues of the mayor aldermen and
 burgesses of the borough of Clifton Dartmouth Hardness bearing
 date the day of]
 and all my right and interest under the same subject to the
 several conditions on which I hold the same at the time of the
 execution hereof and I the transferee for myself my executors
 administrators and assigns do hereby agree to take the said
 mortgage security subject to the same conditions.

Dated this day of nineteen
 hundred and

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