



CHAPTER xxxv.

An Act to empower the mayor aldermen and burgesses of the borough of Warwick to acquire lands to provide for the extinction of the rights of depasturage in Saint Nicholas Meadow to construct a river wall and promenade to make further provision with regard to the water supply health local government and improvement of the borough and for other purposes.

A.D. 1928.

[2nd July 1928.]

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

And whereas it is expedient to empower the Corporation to purchase the lands known as Saint Nicholas Meadow :

And whereas it is claimed that certain rights of depasturage are exerciseable over the same and it is expedient that the same should be extinguished in manner provided by this Act :

And whereas it is expedient to empower the Corporation to acquire lands for waterworks and sewage disposal purposes :

A.D. 1928.

And whereas it is expedient to empower the Corporation to construct the river wall and promenade authorised by this Act :

And whereas by virtue of the Warwick Local Board Waterworks Act 1872 (in this Act called "the Act of 1872") the Corporation supply water within the borough and it is expedient to confer the further powers provided in this Act :

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 in this Act :

And whereas it is expedient to make further provision with regard to the finances of the Corporation and the application of the revenue derived from their water undertaking :

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

For and in connection with the con-	£
struction of the river wall and	
promenade authorised by this	
Act - - - - -	10,160

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 Warwick and are hereinafter respectively referred to as the deposited plans sections and book of reference : A.D. 1928.

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.

1. This Act may be cited as the Warwick Corpora- Short title.
tion Act 1928.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—River wall and promenade.

Part IV.—Water supply.

Part V.—Streets buildings sewers and drains.

Part VI.—Infectious disease and sanitary pro-
visions.

Part VII.—Financial provisions.

Part VIII.—Miscellaneous.

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

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

(a) Section 127 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 :

A.D. 1928.

(2) The Waterworks Clauses Act 1847 except—

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

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

(3) The Waterworks Clauses Act 1863.

Interpre-
tation.

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

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

“ The borough ” means the borough of Warwick;

“ The council ” means the council of the borough;

“ The mayor ” “ the town clerk ” “ the borough
accountant ” “ the medical officer ” “ the sur-
veyor ” 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 county council ” means the council for the
administrative county of Warwick;

“ 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;

A.D. 1928.
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“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 Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

“Saint Nicholas Meadow” means the lands in the borough known as Saint Nicholas Meadow which are shown upon the deposited plans;

“The Act of 1872” means the Warwick Local Board Waterworks Act 1872;

“Water limits” means the limits for the supply of water fixed by the Act of 1872;

“Water undertaking” means the water undertaking as authorised by the Act of 1872;

“Water rent” means the charge payable for a supply of water;

“Food” has the meaning assigned to it by section 26 (Definition of “food”) of the Sale of Food and Drugs Act 1899;

“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;

“The parish” means the civil parish of Warwick;

“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

A.D. 1928.

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 the 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.

PART II.

LANDS.

Power to
acquire
lands for
works.

5. Subject to the provisions of this Act the Corporation may enter on take and use for and in connection with the construction of the river wall and promenade authorised by Part III of this Act such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require.

Power to
acquire
lands for
pleasure or
recreation
grounds.

6.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use for the purposes of a pleasure or recreation ground or for games the lands or any part or parts thereof described in Part I of the First Schedule to this Act so far as such lands are delineated on the deposited plans and described in the deposited book of reference.

(2) From and after the date of the acquisition by the Corporation of the said lands and the extinction of the rights of depasturage in Saint Nicholas Meadow as hereinafter provided the same shall be deemed to be a pleasure or recreation ground acquired by the Corporation for the purpose of cricket football and other games and recreations or partly the one and partly the other

and shall not be alienated or used for any other purpose without the sanction of the Minister of Agriculture and Fisheries. The Corporation may fence alter the level of and lay out the lands for the said purposes in accordance with a scheme to be approved by the said Minister and shall maintain and manage the said pleasure or recreation ground in accordance with regulations to be sanctioned by him which regulations shall fix the hours during which the gates shall be closed and shall secure the free access of the public at all other times subject to the provisions of this Act and the observance of such regulations. The Minister shall have power from time to time to sanction an alteration of such scheme and regulations. The Corporation may for the prevention of nuisances and the preservation of order on the said pleasure or recreation ground and subject to the provisions of section 10 of the Commons Act 1899 make revoke and alter byelaws. All regulations and byelaws made under the provisions of this Act shall be published on notice boards placed on such parts of the pleasure or recreation ground as to the Corporation may appear desirable.

A.D. 1928.
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(3) Notwithstanding any custom or usage or anything contained in any enactment the Corporation shall have power to close to the public any part not exceeding ten acres of the said lands and any public footpaths or rights of way thereover for the purpose of granting the use thereof either gratuitously or for payment to any public charity or institution or for any agricultural or horticultural or other show or for any trade exhibition. Provided that any such part of the said lands shall not be closed for more than twenty-four days in any one year.

7. Subject to the provisions of this Act the Corporation may enter upon and take and may hold and use for and in connection with the sewage disposal works of the Corporation the lands described in Part II of the First Schedule to this Act or any part or parts thereof so far as those lands are delineated on the deposited plans and described in the deposited book of reference.

Power to
acquire
lands for
sewage
disposal
purposes.

8. Subject to the provisions of this Act the Corporation may enter upon and take and may hold and use for and in connection with the waterworks of the

Power to
acquire
lands for

A.D. 1928.
—
waterworks
purposes.

Corporation the lands described in Part III of the First Schedule to this Act or any part or parts thereof so far as those lands are delineated on the deposited plans and described in the deposited book of reference :

Provided that—

(a) Notwithstanding anything contained in this Act or in Part III of the First Schedule to this Act or shown upon the deposited plans or contained in the deposited book of reference the Corporation shall not otherwise than by agreement acquire any interest of the county council in the lands (a) and (b) described in the said Part III of the First Schedule to this Act;

(b) (i) The Corporation shall permit the county council so long as there shall be a sufficiency of water to pump from the reservoir referred to in the said Part III of the First Schedule to this Act for the use of the Warwick County Mental Hospital such quantity of water not exceeding twenty thousand gallons in any one day of twenty-four hours as the county council may from time to time require and the county council shall pay in respect of any water so pumped by them such price not exceeding eightpence per thousand gallons as may be agreed between the county council and the Corporation;

(ii) The quantity of water pumped by the county council under this section shall be recorded by means of a meter to be supplied and fixed and kept in proper order and repair by the county council at their own expense and the Corporation and the county council shall be at liberty at all reasonable times to inspect such meter and take the readings thereof.

Limiting
quantity
of common
lands to be
taken.

9. The quantity of common or commonable lands known as "Saint Nicholas Meadow" in the borough which may be taken by the Corporation under the powers of this Act shall not exceed forty-two acres.

10. 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 their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace of the county of Warwick 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.

A.D. 1928.

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

11. The powers of the Corporation for the compulsory purchase of lands for the purpose of this Act shall cease after the expiration of three years after the passing of this Act or on the expiration of the term upon which the Corporation now hold any lands whichever period shall be the longer.

Period for
compulsory
purchase
of lands.

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

Extinction
of private
rights
of way.

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.

13.—(1) As from the date of the acquisition of Saint Nicholas Meadow all rights of pasturage or depasturage on or over the same or any part thereof shall be extinguished.

As to rights
of pasturage
over Saint
Nicholas
Meadow.

A.D. 1928.
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(2) The Corporation shall pay or make compensation (if any) for the rights so extinguished to the persons who shall be lawfully entitled to exercise such rights and who shall within a period of two months after the passing of this Act deliver to the Corporation a claim in writing to such compensation.

(3) If the Corporation shall dispute the right of any person to deliver any such claim as is referred to in subsection (2) of this section such dispute shall be settled by arbitration under the Arbitration Act 1889.

(4) The compensation to be paid or made by the Corporation under the foregoing provisions of this section to any person entitled to such compensation shall be settled in manner provided by the Lands Clauses Acts. Provided that the Corporation may by resolution passed within one month after the expiration of the period within which claims for compensation are to be delivered to them under subsection (2) of this section determine that all questions of compensation arising under this section shall be determined in accordance with the next subsection of this section.

(5) If the Corporation pass the resolution referred to in the preceding subsection hereof the following provisions shall have effect (namely) :—

(a) The Corporation shall within six weeks after the expiration of the period within which claims for compensation are to be delivered to them under subsection (2) of this section convene a meeting of the persons who have rightfully delivered such claims in the same manner as if the rights to be extinguished as aforesaid were commonable rights within the meaning of section 102 (A meeting of the parties interested to be convened) of the Lands Clauses Consolidation Act 1845 ;

(b) Such meeting shall proceed to the appointment of a committee in manner provided by section 103 (Meeting to appoint a committee) of the Lands Clauses Consolidation Act 1845 and in the event of such committee and the Corporation being unable to agree upon a sum of money or other compensation to represent the value of such rights over the Saint Nicholas Meadow

the question shall be determined and compensation shall be paid in manner provided by sections 99 to 107 inclusive of the Lands Clauses Consolidation Act 1845 for the determination and payment of compensation for the commonable and other rights referred to in those sections.

A.D. 1928.

(6) Within three months of the final determination of the compensation (if any) payable in respect of any rights extinguished by this section or the date of such extinction (whichever shall be the later) the Corporation shall produce to the Commissioners of Inland Revenue a King's Printer's copy of this Act duly stamped and with the ad valorem stamp duty payable upon an instrument (as defined by the Stamp Act 1891) effecting the release upon sale of such rights and in default of any such production as aforesaid the duty with interest thereon at the rate of five per centum per annum from the date of such final determination of the compensation or of such extinction shall be a debt due from the Corporation to His Majesty.

14. 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 nineteenth 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 interests.

15.—(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 And money so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

Further powers for the acquisition of land.

A.D. 1928.

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(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.

16.—(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:

A.D. 1928.
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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 the 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.

17.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act (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

Proceeds
of sale of
surplus
lands.

A.D. 1928 — 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.

Dwelling-
houses for
persons in
Corpora-
tion's
employment.

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

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

PART III.

RIVER WALL AND PROMENADE.

Power to
construct
work.

19.—(1) Subject to the provisions of this Act the Corporation may make and maintain the following work 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 culverts retaining walls abutments fences works and conveniences as may be necessary or convenient.

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

A river wall and embankment with promenade and carriageway situate on the right bank

of the river Avon (partly on the foreshore and bed of the river) commencing at a point one hundred and thirty feet or thereabouts east of the north-east corner of the bridge carrying the Banbury Road over the river Avon (commonly known as "Castle Bridge") extending thence in an easterly direction along the bank of the river for a distance of one thousand three hundred and fifty feet or thereabouts and there terminating.

A.D. 1928.
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20. For the purposes of constructing and maintaining the river wall and embankment authorised by this Act and other works in connection therewith the Corporation may subject to the provisions of this Act between a point twenty yards above the north-east corner of the public swimming bath and the Castle Bridge dredge and clean out the bed bank shore and channels of the river Avon to such extent as may be necessary or convenient.

Power to
dredge.

21. 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.

Limits of
deviation.

22. If the work authorised by this Part of this Act is not completed within five 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 so much thereof as shall then be completed :

Period for
completion
of work.

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

23. Notwithstanding anything contained in this Part of this Act or shown upon the deposited plans and sections the following provisions shall unless otherwise agreed in writing between the county council and the Corporation apply and have effect for the protection of the county council in addition to any other provisions enuring for their protection or benefit (that is to say) :—

For pro-
tection of
county
council.

- (1) Contemporaneously with the construction of the river wall and embankment authorised by the section of this Act of which the marginal note

A.D. 1928.

is "Power to construct work" the Corporation shall construct in accordance with plans sections and specifications to be submitted to and reasonably approved by the county council a culvert through such river wall and embankment for carrying off the waters of the brook known as Saint John's Brook:

- (2) Such culvert shall be constructed of a clear internal width of not less than six feet and of a clear internal height of not less than three feet:
- (3) After the construction of the said culvert the same shall for ever be maintained in a good and satisfactory condition by and at the expense of the Corporation:
- (4) If any question arises between the Corporation and the county council under the provisions of this section or as to anything to be done or not to be done thereunder the same shall be referred to and determined by a single arbitrator to be appointed on the application of either party after notice in writing to the other by the Ministry of Agriculture and Fisheries and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such reference and determination.

PART IV.

WATER SUPPLY.

Rates for
supply for
domestic
purposes.

24. Section 20 (Scale of water rents) and section 22 (Limitation of supply for domestic purposes) and the schedule of the Act of 1872 are hereby repealed and from and after the quarter day next after the passing of this Act the following provisions shall have effect in lieu thereof:—

- (1) The Corporation shall at the request of the owner or occupier of any dwelling-house situate within the water limits or part of such a dwelling-house entitled under the provisions of the Acts for the time being relating to the water undertaking to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic pur-

poses at a rent per annum not exceeding eight per centum upon the rateable value of the premises so supplied : A.D. 1928.
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Provided that the Corporation shall not be required to supply any premises with water at a less rate than threepence per week :

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

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

- (3) In addition to the foregoing charges the Corporation may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises a sum not exceeding ten shillings per annum and for every fixed bath capable of containing not more than fifty gallons the sum of ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such a sum as the Corporation may think fit such additional sums to be paid half-yearly in advance and to be recoverable in all respects with and at the same time as the water rent.

25.—(1) The rents rates and charges payable to the Corporation for the supply of water shall be paid in advance by half-yearly payments due on the following days in the year namely the first day of April and the first day of October but so that the same shall not be recoverable until the expiration of two months after the said days respectively and the first payment in the case of any new supply of water shall be made at the time.

Water
rents
payable
half-yearly
in advance.

A.D. 1928. — when the pipe by which the water is supplied is made to communicate with the pipes of the Corporation and shall be such part only of the half-yearly amount as the number of days from the date the supply of water is afforded to the next succeeding half-yearly date of payment bears to the total number of days in the half-year.

(2) The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding five per centum on the amount due in respect of any water rent rate or charge or any instalment thereof from every person who pays the same within such time after demand of the rent rate or charge or any instalment thereof as the case may be as the Corporation may prescribe.

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

(4) Notice of this enactment shall be endorsed on every demand note of water rents.

(5) This section shall come into operation on the first day of April nineteen hundred and twenty-nine and demand notes issued in respect of the half-year commencing the first day of October nineteen hundred and twenty-eight shall be in respect of the period from the first day of October nineteen hundred and twenty-eight to the thirty-first day of March nineteen hundred and twenty-nine.

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

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

27. The Corporation shall not be bound to supply with water otherwise than by meter— A.D. 1928.

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; Supply to houses partly used for trade &c.
- (b) any workhouse hospital asylum or sanatorium; or
- (c) any hotel restaurant public-house inn or club :

Provided that the Corporation may require that the sum to be paid for such supply by meter shall not be less than the sum which would have been chargeable in respect of such supply had the supply been given under the provisions of this Act which relate to the supply for domestic purposes otherwise than by meter and the charges therefor.

28. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rent for the supply but such water rent may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner : Water rents payable by owners of small houses.

Provided that no greater sum shall be recovered at any one time from such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

29.—(1) If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property or to the health of any person it shall be lawful for the Corporation by or under the direction of their duly authorised officer to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and where any such injury or defect has been found to exist the expense incurred by the Corporation for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any Power to Corporation to repair communication pipes.

A.D. 1928. road pavement or soil for those purposes) shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

(2) Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

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

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

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

(3) If after the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans and particulars as approved and if any such owner shall offend against the provisions

of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings. A.D. 1928.
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(4) The said owner may at any time submit to the Corporation for their approval any alterations in the said plans and particulars and the Corporation may if they think fit approve such alteration.

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

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

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

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

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

32.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road Adjust-ment of boundaries of estates.

A.D. 1928. — footpath or way so as to form a new street) are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister of Health and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement may be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

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

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

A.D. 1928.
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33. Any person who shall cover or wilfully or negligently obstruct or interfere with the convenient access to any fire-alarm fire-plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

Fire-plugs.

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

As to
hoardings
and similar
structures.

- (i) beyond any building line prescribed by the Corporation under the provisions of any Act; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which

A.D. 1928.

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

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

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

Restrictions
on adver-
tisement
hoardings.

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

(2) The owner or other person using any hoarding wall or similar structure for advertising purposes whether erected before or after the commencement of this Act shall at all times keep and maintain the same in proper and safe repair and condition and if any papers affixed for advertising purposes to such hoarding wall or similar structure fall away become detached or are stripped off shall forthwith remove and clear away such papers.

(3) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1928.
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(4) Provided that a person shall not be liable to any such penalty in respect of an offence under subsection (2) of this section unless he shall have failed to comply with a notice in writing from the Corporation requiring him to keep or maintain a hoarding wall or structure of which he is the owner or user in proper and safe repair and condition or to remove and clear away paper in accordance with the provisions of that subsection.

(5) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he gives twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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

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

(2) Any person acting in contravention of this section or offending against such regulation shall be liable to a

A.D. 1928. — penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

Further amendment of section 157 of Public Health Act 1875.

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

(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.

(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.

Erection of buildings to greater height than adjoining building.

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

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

Erection of retaining walls.

40.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Corporation plans sections

and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

A.D. 1928.

(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.

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

Byelaws
as to altera-
tions of
buildings.

42.—(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
accommoda-
tion 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.

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

Byelaws as
to water-
closets.

44.—(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

Removal of
dilapidated
and
neglected
buildings.

A.D. 1928. — otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

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

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

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

As to
dangerous
buildings.

45.—(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.

A.D. 1928.

(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.

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

Food
storage
accommoda-
tion to be
provided.

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

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

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

(3) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court of Warwickshire holden at Warwick and thereupon the county court after giving the occupier an opportunity

A.D. 1928. — of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

Elevation
of buildings
erected
on front
lands to
require
approval.

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

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

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

(a) any door or entrance communicating with that street; or

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

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

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

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

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

Area of
habitable
rooms.

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

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

A.D. 1928.

—
Sanitary
conveniences
for persons
engaged on
buildings.

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

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

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

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

51. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Powers on
inspection.

52.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the

Combined
drains.

A.D. 1928. — premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owner or owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section.

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

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

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

Houses
connected
with single
private
drain.

53.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 (Examination of drains, privies &c. on complaint of nuisance) of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that

section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly. A.D. 1928.
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(2) Section 19 (Extension of 38 & 39 Vict. c. 55 s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

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

54.—(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.
°

(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.

55. 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 As to repair of private drains.

A.D. 1928. — 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 water-
closet
or drain.

56.—(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.

Wilful
damage
to drains
water-
closets &c.

57. 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. 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.

Saving for
railway
companies.

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

As to hoardings and similar structures ;

As to repair of hoardings ;

A.D. 1928.

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

PART VI.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

59.—(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.

Power to close Sunday schools and exclude children from entertainments.

(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.

60.—(1) No person over the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or the local education authority 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

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

A.D. 1928.

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.

Parents to
notify
infectious
disease.

61.—(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.

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 the person by whom the certificate has been signed shall be called as a witness.

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

Extended
meaning of
"infectious
disease"
for certain
purposes.

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

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

As to filthy
premises.

63.—(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) of the Summary Jurisdiction Act 1879. A.D. 1928.

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

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

65. The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of food. Byelaws as to transport of food.

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

66.—(1) Where it is shown that any animal or article liable to be seized under sections 116–119 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 Penalty on original vendor of unsound food.

A.D. 1928. — 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.

(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 afore-said 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.

Further
powers in
relation to
unsound
food.

67. Sections 116 to 118 (relating to unsound meat &c.) of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any article of food intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly :

Provided that nothing in this section shall authorise the inspection examination and search of any cart or other vehicle belonging to a railway company and used by

them for the purpose of their traffic or any basket sack bag or parcel in the possession of such company as carriers thereof. A.D. 1928. —

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

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

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

69.—(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: As to houses without water supply.

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."

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

A.D. 1928.

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Agreements
as to
slaughter-
houses.

71. 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.

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

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

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to 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. A.D. 1928.

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

73.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or 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 ashtubs or other receptacles for refuse in use at the passing of this Act 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

A.D. 1928.

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.

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

PART VII.

FINANCIAL PROVISIONS.

Power to
borrow.

74.—(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 revenues funds and rates 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 purchase of lands for the purposes of this Act and the rights on or over Saint Nicholas Meadow.	The sum requisite.	The district fund and general district rate.	Sixty years from the date or dates of borrowing.
(b) For and in connection with the construction of the river wall and promenade authorised by this Act.	£10,160	The district fund and general district rate.	Thirty years from the date or dates of borrowing.
(c) 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.

(2) (a) The Corporation may also with the consent of the Minister of Health borrow such money as may be necessary for fencing levelling and laying out the lands described in Part I. of the First Schedule to this Act as a pleasure or recreation ground.

(b) 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.

(c) 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.

(d) 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."

75. 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).

76. 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 and 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.

77. 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.

78.—(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 hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall subject to the provisions of this Act unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and 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. A.D. 1928.

(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.

A.D. 1928.
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(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister 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 the 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.

79.—(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. A.D. 1928.
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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 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.

80.—(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

A.D. 1928. — power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

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

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

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

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

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

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

A.D. 1928.
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(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

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

(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.

81.—(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;

A.D. 1928.

- (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 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 reborrowing 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.

82. 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.

Use of
moneys,
forming
part of
sinking and
other funds.

83. Notwithstanding anything contained in this or any other Act the Corporation may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve or superannuation fund (in this section referred to as "the lending fund") subject to the following conditions:—

- (1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable. Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof

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

A.D. 1928.

- (2) Interest shall be paid to the lending fund on the moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

84. 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.

Evidence of transfer or transmission of securities.

A.D. 1928.

Receipt
in case of
persons not
sui juris.Expenses of
execution
of Act.Corpora-
tion not
to regard
trusts.Appoint-
ment of
receiver.Protection
of lender
from
inquiry.Period for
repayment
of loans
under

85. 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.

86. 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.

87. 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.

88.—(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.

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

89. 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.

90. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that

A.D. 1928.

Act shall be repaid within such period not exceeding sixty years as the Minister of Health shall in each case prescribe.

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Municipal
Corporations
Act 1882.

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

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

(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.

92.—(1) All money received by the Corporation on account of revenue of the water undertaking shall be carried to and shall form part of the district fund and

Application
of revenue
of water
undertaking

A.D. 1928.

and pay-
ment of
expenses.

all payments and expenses made and incurred in respect of that undertaking shall be paid out of that fund.

(2) Any moneys which the Corporation are required or authorised to pay or apply under any enactments relating to the application of the revenue of the water undertaking shall for the purposes of subsection (1) of this section be deemed to be payments made and expenses incurred in respect of the undertaking to which the said enactments relate and any income arising from the investment of any reserve fund authorised by the said enactments shall be deemed to be money received on account of the revenue of the undertaking.

Investment
of and
payments
into sinking
fund.

93. 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) :—

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.

Interest on
mortgages
held jointly.

94. 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 other of them.

Separate
accounts
to be kept.

95.—(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 the water undertaking of the Corporation on the one side all receipts in respect of the undertaking (including the interest on any reserve fund authorised in connection therewith when such fund amounts to the prescribed maximum) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amount expended in respect of each of the following purposes (that is to say) :—

A.D. 1928.
—

- (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 requisitions appreciations instalments or sinking fund payments in respect of money borrowed and applied for the purposes of the undertaking :
- (d) All other expenses (if any) properly chargeable to revenue :
- (e) The amount (if any) paid to the reserve fund for the purposes of the undertaking under the provisions of the section of this Act of which the marginal note is " Reserve fund for water undertaking."

(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 thereon in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Corporation keeps 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.

96. 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

As to
water
revenue.

A.D. 1928. — 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.

Reserve
fund for
water
undertaking.

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

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

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

Appointed
auditors.

98.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors

appointed under the Municipal Corporations Acts Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as "the appointed auditor."

A.D. 1928.

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditor and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

99.—(1) In addition to any other form of borrowing the Corporation may borrow any sums which they have power to borrow under this Act or any other Act or Order by the issue of bonds to be called "Corporation bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act.

Power to
borrow by
issue of
bonds.

(2) The provisions set out in the Third Schedule to this Act shall have effect with regard to bonds.

(3) All bonds issued 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 issue of the bonds or on any other ground whatsoever and shall also rank equally with and have the same status as all other securities issued by the Corporation.

A.D. 1928.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Power to
grant
gratuities
in certain
cases.

100.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Acts 1906 to 1923 or the Local Government and other Officers' Superannuation Act 1922 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.

PART VIII.

MISCELLANEOUS.

As to
baths and
bathing
pools.

101. Subject to the provisions of this Act—

- (1) The Corporation may construct on lands belonging to them and may maintain alter extend enlarge improve repair furnish and equip open or covered swimming 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.

A.D. 1928.
—

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

Subscriptions
to local
government
associations
and other
expenses.

(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.

103. If a justice is satisfied on complaint by any rate collector that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general district rate or water rent which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector to seize forthwith

Recovery
of rate from
persons
removing.

A.D. 1928. — and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

In executing works in default of owner or occupier no liability for damages to be incurred except in case of negligence.

104. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute or 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 the surveyor or any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Penalty on occupiers refusing execution of Act.

105. 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 V or VI of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Power of entry.

106. 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 V and VI of this Act as if those purposes had been mentioned in the said section 102. A.D. 1928. —

107. 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 provisions as to byelaws.

108. 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.

109.—(1) Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. Authentication and service of notices &c.

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

A.D. 1928.

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Apportion-
ment of
expenses
in case of
joint
owners.

110. 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.

Expenses
may be
declared
private
improvement
expenses.

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

Several
sums in one
summons.

112. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Service of
summons
on members
of council.

113. 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.

Informations
by whom
to be laid.

114. 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.

Powers
of Act
cumulative.

115. 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.

116. 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.

117. 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.

118. 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.

119. For the protection of the Right Honourable Charles Walter James Lord Dormer Baron Dormer and his sequels in estate (in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Corporation have effect (that is to say):—

For pro-
tection of
Lord
Dormer.

(1) If the Corporation take the whole or any part of the lands (*d*) described in Part II of the First Schedule to this Act (hereinafter in this section referred to as "the said lands.") which lands form part of the Grove Park Estate of the owner the Corporation shall grant to the owner and his lessees and tenants a right at all times with or without vehicles and for every purpose to use the existing road running north and south through the said lands as a means of access for the owner and his lessees and tenants from other parts of the said Grove Park Estate of the owner to the Hampton-Warwick road:

(2) The Corporation shall not at any time retain hold and use for any purpose other than that of

A.D. 1928.
—

sewage disposal nor sell lease exchange or otherwise dispose of the whole or any part of the said lands unless and until they shall have first offered to sell the whole or any such part of the said lands to the owner at a price per acre not exceeding that paid by the Corporation to the owner for the acquisition of the said lands under this Act which price failing agreement shall be settled by arbitration as hereinafter provided and the owner shall have given his refusal in writing to purchase the whole or such part of the said lands as aforesaid. Provided that if the owner shall not within six weeks after such offer signify to the Corporation his refusal or desire to purchase the whole or part of the said lands he shall be deemed to have given his refusal as aforesaid :

- (3) The Corporation shall not erect on any part of the said lands fronting the said Hampton-Warwick road buildings other than ordinary farm buildings or cottages for farm labourers nor shall the Corporation erect on any part of the said lands facing the said Hampton-Warwick road or on the said road mentioned in subsection (1) hereof hoardings or any other similar structures which would obscure or tend to obscure the view from the Hampton-Warwick road or from the said road referred to in subsection (1) hereof or which would or might render the remainder of the owner's Grove Park Estate less attractive :
- (4) Any question or dispute arising under this section shall be referred to and determined by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party after notice to the other by the President of the Surveyors' Institution.

For protection of
Warwick
Trustees.

120. Notwithstanding anything in this Act the following provisions for the protection of the Right Honourable Elfreda Marjorie Countess Brooke and Countess of Warwick Alexander Fitzgerald Watt and Guy Elland Carne Rasch and their successors (all of whom are hereinafter referred to as "the Warwick trustees") shall unless otherwise agreed in writing

between the Warwick trustees and the Corporation have A.D. 1928.
effect (that is to say):—

- (1) The Corporation shall not suffer so much of the piece of land containing one rood and twenty perches bounded on the west by the graveyard adjoining Saint Nicholas Church (indicated on the plan signed for purposes of identification by Walter Heap town clerk of Warwick and Harry George Godfrey-Payton agent for the Warwick trustees and being part of the lands referred to in paragraph (a) of Part I of the First Schedule to this Act) as may be acquired by them under the powers of this Act to be used for any purpose which may by reason of noise be or become a nuisance to the worshippers at Saint Nicholas Church :
- (2) If the Corporation shall at any time desire to sell lease exchange or otherwise dispose of or use for any purpose other than that of a pleasure or recreation ground the whole or any part of the said piece of land containing one rood and twenty perches the Warwick trustees shall be entitled to re-purchase the whole or such part of the said piece of land at a price proportionately not exceeding that paid to the Warwick trustees by the Corporation for the whole or such part of the said piece of land which price failing agreement shall be settled by arbitration as hereinafter provided :
- (3) If the Corporation take the whole or any part of the lands referred to in paragraph (a) of Part I of the First Schedule to this Act they shall not suffer any part of the said lands to be used for the purpose of travelling or other shows circuses or similar things :
- (4) Any question or dispute arising under this section shall be referred to and determined by a single arbitrator to be agreed on between the parties or failing agreement to be appointed on the application of either party after notice to the other by the President of the Surveyors' Institution.

A.D. 1928.

Crown
rights.

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

Inquiries
by Minister
of Health.

122.—(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 the Minister under the Public Health Act 1875.

(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.

Costs of Act.

123. 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.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1928.

THE FIRST SCHEDULE.

PART I.

LANDS FOR PLEASURE OR RECREATION GROUNDS.

In the borough—

(a) Land comprising five acres or thereabouts situate in the parish of Saint Nicholas belonging to the Right Honourable Earl Brooke and Earl of Warwick and now in the occupation of the Corporation and used for recreation purposes bounded on or towards the west by the Banbury Road on the north west by the graveyard adjoining Saint Nicholas Church on or towards the north by a footpath leading from Saint Nicholas Church Street to Saint Nicholas Meadow and by a small triangular piece or parcel of land belonging or reputed to belong to the said Earl Brooke and Earl of Warwick on the north east by Saint John's Brook and on or towards the south by Saint Nicholas Meadow.

(b) Land comprising one half acre or thereabouts being the triangular piece of land hereinbefore referred to situate in the parish of Saint Nicholas aforesaid bounded on or towards the north by part of a footpath leading from Saint Nicholas Church Street to Saint Nicholas Meadow on the south by land belonging to Earl Brooke and Earl of Warwick and on or towards the west by Saint John's Brook.

(c) Land comprising forty-two acres or thereabouts situate in the parish of Saint Nicholas aforesaid adjoining and on the right bank of the river Avon being known as Saint Nicholas Meadow being the enclosures numbered 640 641 642 555 556 and 557 on the 1/2500 Ordnance survey map edition 1925 Warwick (sheet No. XXXIII. 14).

(d) Land being known as the Priory Pools comprising four acres or thereabouts situate in the parish of Saint Mary and being the enclosures numbered 393 390 392 391 and 389 on the 1/2500 Ordnance survey map edition 1925 Warwickshire sheets Nos. XXXIII. 9 and XXXIII. 10 belonging to or reputed to belong to Sir Wathen Arthur Waller baronet and now in the occupation of the Corporation and used for recreation purposes.

A.D. 1928.

PART II.

LANDS FOR SEWAGE DISPOSAL PURPOSES.

(a) Land comprising five acres or thereabouts situate in the parish of Saint Mary within the borough of Warwick and now in the occupation of the Corporation and used for the purposes of sewage disposal being the enclosure numbered 838 on the 1/2500 Ordnance survey map edition 1925 Warwickshire sheet No. XXXIX. 1 belonging or reputed to belong to the Right Honourable Earl Brooke and Earl of Warwick.

(b) Land comprising four acres or thereabouts situate in the parish of Saint Mary within the borough of Warwick and adjoining the sewage disposal pumping station of the Corporation and being the enclosure numbered 844 on the 1/2500 Ordnance survey map edition 1925 Warwickshire sheet No. XXXIX. 1 belonging to or reputed to belong to the Right Honourable Earl Brooke and Earl of Warwick.

(c) Land comprising fifteen acres or thereabouts situate in the parish of Saint Mary within the borough of Warwick adjoining the sewage disposal pumping station and being the enclosure numbered 864 on the 1/2500 Ordnance survey map edition 1925 Warwickshire sheet No. XXXIX. 1 belonging to or reputed to belong to the Right Honourable Earl Brooke and Earl of Warwick.

(d) Land comprising one hundred and thirty-six acres or thereabouts situate in the parish of Budbrooke in the rural district of Warwick in the county of Warwick and being the enclosures numbered 367a 368a 370a 29 25a 25 371 372 30 18 22 8 and 9 on the 1/2500 Ordnance survey map edition 1925 Warwickshire sheets Nos. XXXIX. 1 and XXXIII. 13 belonging to or reputed to belong to the Right Honourable Lord Dormer and now in the use of the Corporation and used as sewage disposal works.

(e) Land comprising thirty acres or thereabouts situate in the parish of Saint Mary within the borough of Warwick and being the enclosures numbered 530 853 851 846 and 854 on the 1/2500 Ordnance survey map edition 1925 Warwickshire sheets Nos. XXXIX. 1 and XXXIII. 13 belonging or reputed to belong to the Right Honourable Earl Brooke and Earl of Warwick and now in the occupation of the Corporation and used as sewage disposal works.

(f) Land comprising nineteen acres or thereabouts situate in the parish of Saint Mary within the borough of Warwick and being the enclosures numbered 845 860 and 852 on the 1/2500 Ordnance survey map edition 1925 Warwickshire sheet No.

XXXIX. 1 belonging to or reputed to belong to Robert George Daniels and now in the occupation of the Corporation and used as sewage disposal works. A.D. 1928. —

PART III.

LANDS FOR WATERWORKS PURPOSES.

(a) Land comprising one acre or thereabouts situate in the parish of Budbrooke in the rural district of Warwick and in the county of Warwick and being the enclosure numbered 346a on the 1/2500 Ordnance survey map edition 1925 Warwickshire sheets Nos. XXXII. 8 and XXXII. 12 belonging to or reputed to belong to the Warwickshire County Council and now in the occupation of the Corporation and used as a reservoir.

(b) Land comprising five acres or thereabouts situate in the parish of Budbrooke in the rural district of Warwick and in the county of Warwick and adjoining the first before described piece of land and being part of the field numbered 346 on the 1/2500 Ordnance survey map edition 1925 Warwickshire sheets Nos. XXXII. 8 and XXXII. 12 belonging to or reputed to belong to the Warwickshire County Council.

(c) Land comprising nineteen acres or thereabouts situate in the parish of Haseley in the rural district of Warwick and in the county of Warwick and being the enclosures numbered 19 and 24 on the 1/2500 Ordnance survey map edition 1925 Warwickshire sheets Nos. XXXII. 3 and XXXII. 7 belonging or reputed to belong to Ada Lant.

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

BOROUGH OF WARWICK.

By virtue of the Warwick Corporation Act 1928 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Warwick (hereinafter referred to as "the Corporation") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act

A.D. 1928. 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 town clerk's office in the said borough [(subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by _____]

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the town clerk and 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 _____

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.

A.D. 1928.

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 Warwick 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 _____

THE THIRD SCHEDULE.

1. Bonds shall be secured on the rates and revenues of the Corporation and any moneys borrowed by means of bonds shall be principal moneys.

2. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

3.—(a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

4. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the office of the borough

A.D. 1928. accountant on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

5.—(1) The borough accountant shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided :

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

6.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.....

BOROUGH OF WARWICK.

WARWICK CORPORATION BONDS.

.....per centum Warwick Corporation Bond repayable at
par.....19..... at the

This is to certify that.....
of.....is the
registered holder of a corporation bond for.....pounds

(£.....) issued by the mayor aldermen and burgesses of A.D. 1928.
the borough of Warwick under the Warwick Corporation Act 1928
at.....

 Signed.....
 Borough Accountant.
Date.....

7. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

8.—(1) The transfer of a Corporation bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.
WARWICK CORPORATION BONDS.

I
in consideration of the sum of.....
paid by.....
(hereinafter called " the transferee ") do hereby assign and transfer to the said transferee :—

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the said transferee do hereby agree to accept and take the said.....
.....subject to the conditions aforesaid.

As witness our hands and seals this.....day
of.....in the year of our Lord one thousand
nine hundred and.....

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the " Register of Transfers of Warwick Corporation Bonds " and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

A.D. 1928.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

9. The Corporation may close the register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September in any year respectively and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

10.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

11.—(1) Unless the owner of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

12. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation for registration.

13. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

14. Where more persons than one are registered as joint holders of a bond any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation by any other of them. A.D. 1928.

15. No notice of any trust shall be entered in the register or in any other book kept by the Corporation or be receivable by the Corporation.

16.—(1) If at any time any interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the Court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any other officer thereof would or might have and such other powers and duties as the Court thinks fit and shall apply all moneys so collected and received after paying all such costs as the Court may direct for the purposes of this Act.

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1941-1942

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