



CHAPTER lxxvi.

An Act to make provision for the working of tramways and trolley vehicles by the urban district council of Cleethorpes to empower the Council to run omnibuses to confer further powers on them in regard to the supply of electricity and the management of public walks and pleasure grounds to authorise them to purchase the Cleethorpes Pier and Gardens and to make further and better provision for the health local government finance and improvement of their district and for other purposes.

A.D. 1928.

[3rd August 1928.]

WHEREAS the urban district of Cleethorpes (in this Act called "the district") is under the local government of the urban district council of Cleethorpes (in this Act called "the Council") :

And whereas under and by virtue of the Great Grimsby Street Tramways (Cleethorpes Extension) Order 1886 the Great Grimsby Street Tramways Extension Order 1897 and the Great Grimsby Street Tramways Act 1899 certain tramways have been constructed in the district and are now being worked by the Great Grimsby Street Tramways Company and under and by virtue of an agreement made the eighteenth day of April nineteen hundred and eleven between the said tramways company of the one part and the Council of the other part and approved by the Board of Trade under

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A.D. 1928. — section 36 of the Great Grimsby Street Tramways Act 1899 so far as the agreement came within the scope of that section the Council are entitled within six months after the expiration of ten years from the first day of August nineteen hundred and twenty or within six months after the expiration of any other subsequent period of seven years by notice in writing to require the said tramways company to sell the said tramways to the Council together with certain land and the generating station and plant thereon constructed under the powers of section 6 of the Great Grimsby Street Tramways Act 1899 :

And whereas it is expedient that the Council should be empowered to work the tramways within the district if and when they shall acquire the same :

And whereas it is expedient to empower the Council to provide and work vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source (in this Act called " trolley vehicles ") along the routes upon which tramways have been constructed and to confer upon the Council all necessary and convenient powers in regard thereto :

And whereas it is expedient to confer powers upon the Council for the running of omnibuses :

And whereas it is expedient to confer upon the Council the further powers with regard to the supply of electricity contained in this Act :

And whereas under the Cleethorpes Promenade Pier Order 1867 confirmed by the Pier and Harbour Orders Confirmation Act 1867 (No. 3) and the Cleethorpes Pier Act 1873 a pier (hereinafter referred to as " the pier ") has been constructed in the district and the pier has been acquired by the predecessors of the London and North Eastern Railway Company under the powers contained in section 39 (Power to sell and purchase or lease pier undertaking) of the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1884 :

And whereas under the powers of section 4 of the Manchester Sheffield and Lincolnshire Railway (New Works) Act 1881 the predecessors of the said railway company have constructed a sea wall or embankment in the district extending from the pier in a southerly direction to a point near the junction of Brighton Street

and Kingsway and in connection therewith have laid out and now maintain and regulate under the further powers conferred upon them by section 47 (Power to make byelaws as to sea wall &c. at Cleethorpes) of the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1886 a promenade extending from such junction in a north-westerly direction and certain ornamental gardens and pleasure grounds extending along the sea front between Kingsway and Sea Road : A.D. 1928.

And whereas it is expedient that the Council should be empowered to acquire from the said railway company by agreement the pier and the said sea wall embankment promenades and gardens or any of them and to improve manage and control the same and that further powers should be conferred upon the Council in regard to public walks and pleasure grounds provided by them :

And whereas it is expedient that further powers be conferred upon the Council for the regulation of streets buildings sewers and drains and other sanitary matters and otherwise in relation to the health local government regulation and improvement of the district :

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 Council for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For the provision and equipment of	
omnibuses - - - - -	21,000

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

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

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

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District Council Act, 1928.

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PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Cleethorpes Urban

Division of

2. This Act is divided into Parts as follows (that is

Part I.—Preliminary.

Part II.—Tramways.

Part III.—Trolley vehicles.

Part IV.—Omnibuses.

Part V.—Provisions as to tramways trolley vehicles and omnibuses.

Part VI.—Electricity.

Part VII.—Streets buildings sewers and drains.

Part VIII.—Infectious disease and sanitary provisions.

Part IX.—Cleethorpes pier pier gardens &c.

Part X.—Seashore parks promenades baths
public buildings &c.

Part XI.—Lands.

Part XII.—Hackney carriages and traffic provisions.

Part XIII.—Financial.

Part XIV.—Miscellaneous.

Incorpora-

3. The Lands Clauses Acts except section 127 of the

Interpreta-

4.—(1) In this Act the several words and expressions

(2) In this Act unless the subject or context otherwise requires— A.D. 1928.
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“ The district ” means the urban district of Cleethorpes;

“ The Council ” means the urban district council of the district;

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

“ The district fund ” and “ the general district rate ” mean respectively the district fund and general district rate of the district until the date of the first new valuation as defined in the Rating and Valuation Act 1925 and thereafter the general rate fund and general rate of the district;

“ The tramways ” means all tramways for the time being belonging to or leased by the Council;

“ Trolley vehicle ” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

“ Trolley vehicle routes ” means the routes upon which the Council are by this Act authorised to work and use trolley vehicles;

“ Omnibus ” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source;

“ The Act of 1902 ” means the Cleethorpes Improvement Act 1902;

“ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;

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

“ The tramway undertaking ” means the tramway undertaking of the Council as from time to time

A.D. 1928.

authorised including the undertaking of the Council in respect of the provision and running of trolley vehicles and omnibuses;

“ Road authority ” means with reference to any road or part of a road the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

“ The county council ” in relation to any road maintained by the county council of the administrative county of the parts of Lindsey Lincolnshire means that county council;

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

“ The electricity limits ” means the area within which the Council are for the time being authorised to supply electricity;

“ The electricity undertaking ” means the electricity undertaking of the Council as from time to time authorised;

“ The pier ” means the Cleethorpes promenade pier authorised by the Cleethorpes Promenade Pier Order 1867 confirmed by the Pier and Harbour Orders Confirmation Act 1867 (No. 3) and the Cleethorpes Pier Act 1873;

“ The pier undertaking ” includes (subject to the provisions of this Act) all rights powers authorities and privileges whatsoever of the undertakers under the Cleethorpes Promenade Pier Order 1867 and the Cleethorpes Pier Act 1873 and all property assets and effects whatsoever and wheresoever and whether real or personal and all other interests and rights in to and out of the property whether real or personal and obligations and things in action of or belonging to the said undertakers;

“ The pier gardens ” means the lands belonging or reputed to belong to the London and North Eastern Railway Company situate within the district and extending along the sea front between Kingsway on the south-east and Sea Road on the north-west and bounded on the south-west by High Cliff Road and Alexandra Road and on the north-east by the promenade

and embankment hereafter referred to including shops refreshment rooms pavilions swimming baths and other buildings erected thereon and also any other lands (with any buildings erected thereon) adjoining any part of the pier gardens or convenient to be held therewith; A.D. 1928.

“The promenade and embankment” means the sea wall and embankment constructed and maintained by the London and North Eastern Railway Company under the Manchester Sheffield and Lincolnshire Railway (New Works) Act 1881 and the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1886 (together with the foreshore held in connection therewith) extending from the pier in a southerly direction to a point near the junction of Brighton Street and Kingsway and any lands held by the said railway company in connection therewith and also the sea wall and promenade belonging to the said railway company extending in a north-westerly direction from the pier for a distance of nine hundred and forty-two yards or thereabouts with the foreshore held in connection therewith;

“The seashore” means and includes the seashore foreshore and all the beach and sands within the district;

“Child” means a person under the age of sixteen years;

“Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the district;

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

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;

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

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

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

PART II.

TRAMWAYS.

Commence-
ment of
Part II of
Act.

5. This Part of this Act and the other provisions of this Act relating to tramways shall except so far as may be otherwise expressly provided come into operation as from the date of the purchase by the Council of the tramways within the district authorised by the Great Grimsby Street Tramways (Cleethorpes Extension) Order 1886 the Great Grimsby Street Tramways Extension

Order 1897 and the Great Grimsby Street Tramways Act 1899 and as from that date such of the provisions of the said Act and Orders and of the Acts and Orders incorporated therewith or applied to the tramways thereby as are inconsistent with the provisions of this Act shall cease to apply to the tramways in the hands of the Council. A.D. 1928. —

6.—(1) Subject to the provisions of this Act the following provisions of the Act of 1902 as amended by this Act shall with any necessary modifications extend and apply to the tramways as if such provisions were re-enacted herein (that is to say):— Application of provisions of Act of 1902.

- Section 33 (Provisions as to motive power);
- Section 34 (Special provisions as to use of electrical power);
- Section 35 (Alteration of telegraph lines of Postmaster-General);
- Section 36 (For protection of Post Office telegraph lines);
- Section 37 (Apparatus used for mechanical power to be deemed part of tramway);
- Section 38 (Attachment of brackets to buildings);
- Section 39 (Byelaws);
- Section 40 (Power to Council to work tramways);
- Section 41 (Regulations by Council);
- Section 45 (Passengers' luggage);
- Section 46 (Council not bound to carry goods);
- Section 47 (Heavy traffic confined to certain hours);
- Section 48 (Animals and goods);
- Section 49 (As to fares on Sundays or holidays);
- Section 50 (Cheap fares for labouring classes);
- Section 51 (Periodical revision of rates and charges);
- Section 52 (Byelaws by local authority);
- Section 53 (Penalty for malicious damage);
- Section 54 (Orders &c. of Board of Trade);
- Section 55 (Provision as to general Tramway Acts).

(2) Provided that section 50 of the Act of 1902 shall be read and have effect as if the word "penny" were substituted therein for the word "halfpenny."

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A.D. 1928. **7.** Subsection (4) of section 36 (For protection of Post Office telegraph lines) of the Act of 1902 shall be read and have effect as if the words "generated or used by or supplied to" were inserted in that subsection in substitution for the words "generated by."

For protec-
tion of
Post Office
telegraph
lines.
As to posts
&c. on
carriageway. **8.** No post or other apparatus in connection with the tramways shall be erected on the carriageway except with the consent of the Minister of Transport.

Rates for
passengers. **9.** The Council may demand and take for every passenger travelling on the tramways or any part or parts thereof including every expense incidental to such conveyance fares rates and charges not exceeding three half-pence per mile and in computing all such fares rates and charges the fraction of a mile shall be deemed a mile but in no case shall the Council be bound to charge a less sum than twopence.

Power to
re-construct
tramways. **10.** The Council may at any time after they shall have acquired any of the tramways (or by arrangement with the owners of such tramway before such acquisition) re-construct that tramway and in so doing may with the consent of the Minister of Transport lay down a double line instead of a single line or lay the tramway in a different position in the street from that of the existing tramway.

Power to
alter
position of
tramways. **11.** If at any time any street or road in which any of the tramways is laid or is authorised to be laid has been or shall be altered or widened the Council may take up and remove such existing tramway or any part thereof and re-construct the same or as the case may be lay down such authorised tramway in such position in the said street or road as they may think fit and the Minister of Transport may approve.

Power to
make
additional
cross-overs
and to
double
tramway
lines. **12.—(1)** The Council may subject to the provisions of this Act with the consent of the Minister of Transport make maintain alter and remove such cross-overs passing places sidings junctions and other works in addition to those particularly specified in and authorised by any Act or Order relating to the tramways as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables carriage-houses dépôts engine-houses generating stations or works of the Council.

(2) Notwithstanding anything contained in any Act or Order authorising the tramways or any of them or shown upon the plans deposited in connection therewith the Council may with the consent of the Minister of Transport lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent at any time alter the position in the road of any of the tramways or any part thereof. A.D. 1928.
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13. If in the construction of any works under either of the last three preceding sections of this Act any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Council shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not except with the consent of the Minister of Transport be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Council within three weeks after receiving the notice from the Council express their objection thereto. As to narrow places.

14. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the tramways is laid it shall in the opinion of the Council be expedient temporarily to remove or discontinue the use of that tramway or any part thereof the Council may construct in the same or any adjacent road and maintain a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued Provided that such temporary tramway shall not be maintained for a longer period than three months without the consent of the Minister of Transport. Temporary tramways may be made when necessary.

15.—(1) The Council may with the consent of the Minister of Transport provide (but shall not manufacture) maintain work and use trailer carriages and coupled carriages on the tramways at such times as the Minister of Transport may approve and for such periods and on Power to use trailer and coupled carriages.

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A.D. 1928. — such terms and conditions as may be expressed in such approval and the Minister of Transport may revoke any such approval or alter the terms and conditions of any such approval.

(2) The trailer carriages and coupled carriages used by the Council under the provisions of this section shall be fitted with such brakes and safety appliances as the Minister of Transport may approve and no trailer carriage or coupled carriage shall be used by the Council unless the design thereof has been approved by the Minister of Transport.

(3) Except so far as the Minister of Transport may otherwise allow the number of carriages which may be used or run attached together shall not in any case exceed two.

Discon-
tinuance of
tramways.

16. The Council may either after or (by arrangement with the owners of the tramway) before they have acquired any of the tramways take up and remove such tramways and use for or in connection with any of the tramways the posts rails apparatus and equipment upon or in connection with the tramway so taken up and removed :

Provided that nothing in this section contained shall empower the Council to take up and remove such tramways before the twenty-ninth day of July one thousand nine hundred and thirty-three.

PART III.

TROLLEY VEHICLES.

Commence-
ment of
Part III of
Act.

17. This Part of this Act and the other provisions of this Act relating to trolley vehicles (except the section of which the marginal note is "Minister of Transport may authorise new routes" which shall come into operation at the date of the passing of this Act) shall except so far as may be otherwise expressly provided come into operation as from the date of the purchase by the Council of the tramways within the district authorised by the Great Grimsby Street Tramways (Cleethorpes Extension) Order 1886 the Great Grimsby Street Tramways Extension Order 1897 and the Great Grimsby Street Tramways Act 1899.

18. The Council may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same along any street or road in the district in which at the date of the passing of this Act there are tramways existing. Provided that before equipping any trolley vehicle route to include a turning point or before arranging a new turning point on any route the Council shall submit plans of the turning point to the Minister of Transport for approval.

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 Power to
 use trolley
 vehicles.

19.—(1) The Council may in under or over the surface of the streets or roads along or adjoining those along which they are authorised to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II of the Tramways Act 1870 and in this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working the trolley vehicles :

As to
 electrical
 works.

Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport :

Provided also that the powers conferred by this section shall not extend to any street which is repairable by and forms the approach to any station or depôt of the London and North Eastern Railway Company unless the consent of such company is obtained by the Council but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to a single arbitrator to be appointed failing agreement by the Minister of Transport

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

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(3) The Council may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment provided by them for working tramways in streets or roads along which they may be authorised to run trolley vehicles.

(4) In this section the expression "generating station" has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

Council to have exclusive right of using apparatus for working trolley vehicles.

20. Subject to the provisions of this Act the Council shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working the trolley vehicles and any person (except by agreement with the Council) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Trolley vehicles not to be deemed light locomotives or motor cars.

21. The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889 nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licensing and licences of drivers) and subject to those exceptions neither the Motor Car Acts 1896 and 1903 nor any byelaws or regulations made thereunder nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

Licence duties on trolley vehicles.

22. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles authorised by this Act as hackney carriages.

Approval of vehicles by Minister of Transport.

23.—(1) The trolley vehicles and the electrical equipment thereof used under the authority of this Act shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Council which does not comply with the requirements of the Minister of Transport.

(2) Before applying to the Minister of Transport for his approval of the weight of any trolley vehicle to be used upon any road which crosses a bridge belonging to and repairable by a railway company the Council shall give to such railway company notice of the weight of the trolley vehicles proposed to be used by them and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight. Provided that notice of such objections shall be forwarded by such railway company to the Council at the same time as the same are submitted to the Minister of Transport.

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24. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by an officer appointed by the Minister of Transport.

Inspection
by Minister
of Trans-
port.

25.—(1) The following provisions of the Tramways Act 1870 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act and shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways :—

Application
of certain
provisions
of Tram-
ways Act
1870 to
trolley
vehicles.

Part II (Relating to the construction of tramways)
except sections 25 28 and 29 ;

Section 41 (Tramways to be removed in certain cases) ;

Section 46 (Byelaws by local authority Promoters may make certain regulations) ;

Section 47 (Penalties may be imposed in bye-laws) ;

Section 48 (Power to local authority to license drivers conductors &c.) ;

Section 49 (Penalty for obstruction of promoters in laying out tramway) ;

Section 51 (Penalty on passengers practising frauds on the promoters) ;

Section 53 (Penalty for malicious damage); and A.D. 1928.
 Section 54 (Orders &c. of Board of Trade). —

(2) Provided that in the application of the provisions referred to in subsection (1) of this section—

(a) The same shall be read and have effect as if the working equipment for trolley vehicles were tramways within the meaning of the said provisions and as if trolley vehicles were carriages used on the tramways of the Council and as if the trolley vehicle undertaking authorised by this Act formed part of the tramway undertaking authorised by this Act;

(b) Section 50 of the Act of 1902 shall be read and have effect as if the word “penny” were substituted therein for the word “halfpenny.”

(3) Provided also that the trolley vehicles shall only be used for the purpose of conveying (a) passengers and their luggage (b) dogs in the care of passengers (c) mails (d) parcels not exceeding fifty-six pounds in weight and (e) materials required for the purposes of the Council or for or in connection with the several undertakings of the Council.

27. The sections of this Act of which the marginal notes are—

“Rates for passengers”;

“Power to make additional cross-overs and to double tramway lines”;

“Temporary tramways may be made when necessary”; and

“Discontinuance of tramways”

Application of tramway provisions of this Act to trolley vehicles.

shall extend and apply to the trolley vehicles authorised by this Act as if the same with all necessary modifications were re-enacted in this Part of this Act. Provided that in the application of the provisions referred to in this section the same shall be read and have effect as if the working equipment for trolley vehicles were tramways within the meaning of the said provisions and as if trolley vehicles were carriages used on the tramways.

28. All subsisting regulations and byelaws relating to the tramways made in pursuance of the Tramways Act 1870 or of any other statutory enactment so far as

Tramway regulations to apply to trolley vehicles.

A.D. 1928. the same are applicable shall with the necessary modifications apply to the trolley vehicles provided by the Council in pursuance of this Act.

Minister of
Transport
may autho-
rise new
routes.

29.—(1) If at any time hereafter the Council desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Acts 1870 (other than the roads along which they are authorised to use trolley vehicles under the foregoing provisions of this Act) they may make application to the Minister of Transport and the Minister of Transport is hereby empowered to make a Provisional Order authorising the use by the Council of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road to which such application relates and containing such incidental provisions as the said Minister may deem expedient and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act.

(2) No such application shall be entertained by the Minister of Transport unless the Council shall—

(a) have published once in each of two successive weeks in the months of October or November in some newspaper or newspapers circulating in the district to which the application relates notice of their intention to make such application and have published the like notice once in one or other of the same months in the London Gazette;

(b) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads along which it is proposed to run trolley vehicles a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Minister of Transport any objections to the grant of such application.

(3) The Minister of Transport may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Minister of Transport shall consider any such application and may if he thinks fit direct an inquiry in relation thereto to be held or may otherwise inquire

as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition. A.D. 1928.

(5) No Provisional Order authorising the use of trolley vehicles on any road outside the district shall be made without the consent of the local authority of the district in which such road is situate or (where the local authority are not the road authority) without the consent of the road authority nor in the case of any main road within the district for the time being maintained by the county council without the consent of the county council. Provided that any such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

(6) In any case where it shall appear to the Minister of Transport expedient that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

(7) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a select committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(8) The Act of Parliament confirming a Provisional Order under this section shall be deemed a public general Act.

(9) The making of a Provisional Order under this section shall be *primâ facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

A.D. 1928.

(10) Any expenses incurred by the Minister of Transport in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Minister of Transport in connection with any inquiry under this section shall be paid by the Council.

Abandonment of tramways upon introduction of trolley vehicles.

30. The tramways on any of the routes upon which trolley vehicles may be run by the Council under the powers conferred by the section of this Part of this Act of which the marginal note is "Power to use trolley vehicles" may be discontinued either temporarily or permanently :

Provided that nothing in this section contained shall empower the Council to discontinue either temporarily or permanently any of the said tramways before the twenty-ninth day of July one thousand nine hundred and thirty-three.

PART IV.

OMNIBUSES.

Power to provide and run omnibuses.

31.—(1) Subject to the provisions of this Act the Council may provide and maintain (but shall not manufacture) and may run omnibuses (a) within the district and (b) with the consent of the Minister of Transport and the local authority of the district along any route without the district. Provided that the consent of a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

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

(3) The Council may purchase by agreement take on lease and hold lands and buildings and may erect on any

lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of such omnibuses but the Council shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds. A.D. 1928.
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(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The provisions of sections 51 and 56 of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Council as if they were carriages used on tramways.

32.—(1) Subject to the provisions of this section the Council may demand and take for passengers and parcels carried on the omnibuses of the Council fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport. Fares and charges &c.

Any application for a revision of such maximum fares or charges may be made by the Council or by the local authority of any district in which such omnibuses are run.

Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

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

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

A.D. 1928.

Adaptation
of roads.

33.—(1) (a) Before the Council commence to run omnibuses under the powers of this Act over any road or part of a road (not being a road maintainable by a railway or canal company) it shall be determined by agreement between the Council and the road authority or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county or district bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money in respect of any such bridge shall be payable by the Council to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

(b) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (a) of this subsection have been so agreed or determined the Council shall give notice in writing to the road authority as to whether they intend to run omnibuses over the road or part of a road or bridge in question.

(c) If the Council give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Council are to make any payment to the road authority under the provisions of paragraph (a) of this subsection the Council shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Council as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work Provided that the aggregate amount to be so paid by the Council shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(d) Notwithstanding anything in this subsection the Council shall not be required to pay any sum in respect of any work towards or in respect of the adaptation

alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from the date on which the Council shall commence to run omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened. A.D. 1928.

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

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

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

(3) If any such adaptation alteration reconstruction or strengthening as aforesaid shall involve an alteration of any telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

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

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

A.D. 1928.
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 Provision in
 event of
 certain
 powers not
 being exer-
 cised within
 prescribed
 period.

34. If the Council do not within three years from the giving of the consent of the Minister of Transport to the running by the Council of omnibuses on any route without the district provide a service of omnibuses on such route or having provided shall discontinue any such service the Minister of Transport may on the application of any local authority within whose district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Council by order declare that unless a service of omnibuses be provided within such period as the Minister of Transport may by such order prescribe the powers of the Council under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Council under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease :

Provided that this section shall not apply or have effect in the event of the failure of the Council to provide a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Council.

As to cesser
 of powers.

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

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

As to
 bridges &c.
 of railway
 companies.

36. Nothing in this Part of this Act shall impose any obligation upon or enlarge any obligation of any railway company to strengthen adapt alter or re-construct any bridge or road maintainable by them respectively.

37. The following provisions for the mutual protection of the mayor aldermen and burgesses of the county borough of Grimsby (in this section referred to as "the corporation") and the Council shall apply and have effect notwithstanding anything in this Act contained (that is to say):—

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For mutual protection of Grimsby Corporation and Council.

- (1) The Council shall not provide maintain or run omnibuses under the powers of this Act within the county borough of Grimsby without the consent of the corporation:
- (2) If the corporation shall hereafter obtain powers to provide maintain or run omnibuses outside the county borough of Grimsby they shall not exercise such powers within the district without the consent of the Council.

PART V.

PROVISIONS AS TO TRAMWAYS TROLLEY VEHICLES AND OMNIBUSES.

38.—(1) The Council on the one hand and the mayor aldermen and burgesses of the county borough of Grimsby on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

Working agreements.

- (a) The formation of junctions between the tramway and trolley vehicle systems of the contracting parties;
- (b) The leasing working running over using maintaining and managing by either or both of the contracting parties or by a joint committee of the contracting parties of the tramways trolley vehicles or omnibuses and the lands buildings sheds and property provided in connection therewith of either or both of the contracting parties and the fixing collecting apportionment and distribution of the rates fares charges and profits arising therefrom;
- (c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways trolley vehicles or omnibuses of the contracting parties of rolling stock and vehicles

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necessary for the purposes of such agreement and the employment of officers and servants;

- (d) The supply of motive power for the working of the tramways or trolley vehicles of the contracting parties;
- (e) The payments to be made and the conditions to be performed with respect to the matters aforesaid; and
- (f) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramway trolley vehicle and omnibus systems of the contracting parties.

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramway trolley vehicle or omnibus system of the other the tramway trolley vehicle and omnibus systems of the parties so contracting shall for the purposes of calculating maximum rates and charges or fares in respect of conveyance partly over the tramway trolley vehicle and omnibus systems of the one party and partly over those of the other be considered as one tramway trolley vehicle or omnibus system as the case may be and the maximum charge for each portion of the entire distance over which conveyance takes place shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

(3) In this section the word "tramways" includes light railways.

Through
cars trolley
vehicles and
omnibuses.

39. The Council may run through tramcars along any of the routes of the tramways or any specified portion thereof and through trolley vehicles or omnibuses along any route on which the Council are for the time being authorised to run trolley vehicles or omnibuses and such tramcars trolley vehicles and omnibuses shall be distinguished from other tramcars trolley vehicles and omnibuses in such manner as may be directed by the Council and they may demand and take for every passenger by such tramcars trolley vehicles and omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion

thereof traversed by any such tramcar trolley vehicle or omnibus Provided that during the running of such through tramcars trolley vehicles or omnibuses the Council shall maintain a reasonably sufficient ordinary service of tramcars trolley vehicles or omnibuses as the case may be. A.D. 1928.
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40. The Council may appoint the stations and places from which tramcars trolley vehicles and omnibuses shall start or at which they may stop for the purpose of taking up or setting down passengers and may fix the time during which such tramcars trolley vehicles and omnibuses shall be allowed to remain at any such place. Council may appoint stopping and starting places.

41.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Council may on any occasion run and reserve tramcars trolley vehicles and omnibuses on any route on which the Council are for the time being authorised to run tramcars trolley vehicles and omnibuses for any special purpose which the Council may consider necessary or desirable Provided that such special tramcars trolley vehicles and omnibuses shall be distinguished from other tramcars trolley vehicles and omnibuses in such manner as the Council may direct and that during the running of such special tramcars trolley vehicles and omnibuses the Council shall maintain a reasonably sufficient ordinary service of tramcars trolley vehicles and omnibuses as the case may be. Power to reserve cars and omnibuses for special purposes.

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

(3) The restrictions contained in this or any other Act as to fares or charges for passengers shall not extend to any tramcars trolley vehicles and omnibuses run for such special services as aforesaid and in respect thereof the Council may demand and take such fares rates or charges as they shall think fit.

42. The Council may erect and maintain sheds shelters or waiting-rooms for the accommodation of passengers and of their servants on any tramway trolley vehicle or omnibus route of the Council and may use for that purpose portions of public walks or pleasure grounds belonging to them or (with the consent of the local Shelters and waiting-rooms.

A.D. 1928, authority and road authority) portions of the public streets or roads.

Cloakrooms
&c. **43.** The Council may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any dépôt or building used by them in connection with the tramway undertaking (including the trolley vehicle and omnibus services authorised by this Act) and at any suitable places on any tramway trolley vehicle or omnibus route of the Council and the Council may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of any highway without the consent of the road authority.

Power to
Council to
suspend
traffic. **44.** The Council may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Council or during the time of any public meeting procession or demonstration or for any other purpose which the Council having regard to the good government of the district or the safety of the public may deem necessary order that the working of the tramways or any part thereof or the running of trolley vehicles on any trolley vehicle route or part thereof or the running of omnibuses shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Council shall not be liable to pay compensation for damages in respect thereof.

Removal of
obstruc-
tions. **45.** If any obstruction to the traffic on any of the tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Council may so remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction.

Attachment
of signs
indicating
stopping **46.**—(1) The Council may (with the consent of the local authority) attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any tramway trolley vehicle or omnibus route

signs or directions indicating the position of stopping places for tramcars trolley vehicles or omnibuses. Provided that in cases where the Council are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Council shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

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 places to
 lamp-posts
 &c.

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

(3) The Council shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General nor to any sign-post set up or caused to be set up by the county council under or for the purposes of the Motor Car Act 1903 or any enactment extending or amending the same except with his or their consent in writing or to any pole post or standard belonging to any railway company except with their consent in writing which shall not be unreasonably withheld.

47. Any property found in any tramcar trolley vehicle or omnibus of the Council or in any shelter or waiting-room in connection with the tramcars trolley vehicles or omnibuses of the Council shall forthwith be taken to a place to be appointed for the purpose by the Council and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking.

Lost pro-
 perty.

48. If any person wilfully and unlawfully does or causes to be done with respect to any omnibus of the Council anything which is calculated to obstruct or interfere with the working thereof or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary

Penalty for
 malicious
 damage.

A.D. 1928. — conviction and shall be liable to a penalty not exceeding twenty pounds.

Byelaws for regulating travelling. **49.** The Council may make byelaws for regulating the travelling on their tramcars trolley vehicles and omnibuses and for the prevention of nuisances in or upon their tramcars trolley vehicles and omnibuses and premises.

As to byelaws under Parts II to V of this Act. **50.** Any byelaws and regulations made by the Council under the provisions contained in Parts II III IV or V of this Act shall be subject and according to the provisions of sections 46 and 47 of the Tramways Act 1870 and those provisions shall apply accordingly.

Carriage of road materials &c. **51.** The Council may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to tramways or trolley vehicles) use the tramways and trolley vehicles for sanitary or road watering purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Council free of all tolls rates and charges in respect of such use.

Conveyance of mails. **52.** The Council shall perform in respect of the trolley vehicles and omnibuses such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

Payment of fares rates and charges. **53.** The fares rates and charges authorised by this Act or by the provisions incorporated therewith shall be paid to such persons and at such places upon or near to the tramcars trolley vehicles or omnibuses and in such manner and under such regulations as the Council may by notice to be annexed to the lists of fares rates and charges appoint.

Use of posts by Postmaster-General. **54.**—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Council in connection with the tramways and trolley vehicles and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting

any telegraph and from time to time to alter any telegraph so supported subject to the following conditions :— A.D. 1928.
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- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways or the service of trolley vehicles ;
- (b) The Postmaster-General shall give to the Council not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided ;
- (c) Unless otherwise agreed between the Postmaster-General and the Council the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or the service of trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Council or by any regulations which may from time to time be made by the Minister of Transport arising through the exercise by the Postmaster-General of the powers conferred by this section ;
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference

A.D. 1928.

as to the conditions of attachment shall be determined as hereinafter provided;

- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road;
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair;
- (g) The Postmaster-General shall make good to the Council and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Council their officers or servants;
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Council and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Council or failing agreement determined as hereinafter provided;
- (i) The Council shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or the service of trolley vehicles or by any accident arising thereon or by the authorised use by the Council of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Council their officers or servants;

(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Council the value of the same. Provided that if the Council or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided. A.D. 1928.
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(2) Nothing in this section contained shall prevent the Council from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with the tramways or the service of trolley vehicles or other municipal undertakings or shall take away any existing right of the Council of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Council" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

55. Subject to the provisions of this Act the omnibus and trolley vehicle undertakings authorised by this Act shall be deemed to form part of the tramway undertaking of the Council. Provided that in the accounts Omnibuses and trolley vehicles to form part

A.D. 1928. — of tramway under-taking. of the Council relative to their tramway undertaking the receipts and expenditure upon and in connection with omnibuses and trolley vehicles respectively shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking and each other.

Accounts to be furnished to Minister of Transport. **56.** The Council shall in every year within three months after the closing of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister a copy of the annual accounts of the tramway undertaking.

For protection of Great Grimsby Street Tramways Company. **57.** Notwithstanding anything in this Act contained the Council shall not without the consent of the Great Grimsby Street Tramways Company during the continuance of an agreement made the eighteenth day of April one thousand nine hundred and eleven between that company and the Council run or be financially interested in any trolley vehicle or motor omnibus service conveying passengers between any points served by the said company's tramway service nor in any manner contravene the provisions of clause 8 of that agreement.

For protection of London and North Eastern Railway Company. **58.** The Council shall not under the powers of the sections of this Act of which the marginal notes are "Council may appoint stopping and starting places" "Shelters and waiting-rooms" and "Cloakrooms &c." (except with the consent in writing of the London and North Eastern Railway Company) appoint any starting or stopping place or erect any shed shelter waiting-room cloakroom or room so as to obstruct or render less convenient the access to or exit from any station dépôt or property belonging to the London and North Eastern Railway Company nor without the like consent shall any such cloakroom room or shed be erected maintained or provided on any bridge carrying any street or road over the railway of the railway company or on the approaches to any such bridge.

PART VI.

ELECTRICITY.

Boundaries of limits of supply. **59.** Where under the provisions of any Act or Order relating to the Council or the electricity undertaking the limits within which the Council are for the

time being authorised to supply electricity abut upon any road such limits shall for all purposes be deemed to extend to the centre of the road. A.D. 1928.
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60.—(1) The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not repairable by the inhabitants at large within the electricity limits supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1926 and of the schedule to the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. Power to lay electric mains in private streets.

(2) The powers conferred by this section shall not extend to any street which is repairable by and forms the approach to any station or depôt of the London and North Eastern Railway Company unless the consent of such company is obtained by the Council but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to a single arbitrator to be appointed failing agreement by the Minister of Transport.

61. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1926 and of the schedule to the Electric Lighting (Clauses) Act 1899 the Council may construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the electricity limits sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient : Power to construct electrical sub-stations under streets.

Provided that the Council shall not under the powers of this section construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway of the London and North Eastern Railway Company (in this section referred to as " the company ")

A.D. 1928. or the approaches thereto or under any bridge carrying a railway of the company over a street or within ten feet of any abutment of any such bridge or (b) in any street belonging to or repairable by the company and forming the approach to any station or depôt of the company or (c) so as to obstruct or render less convenient the access to or exit from any station or depôt of the company constructed and maintained under statutory authority except with the consent in writing of the company but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to a single arbitrator to be appointed failing agreement by the Minister of Transport Provided also that the Council shall not construct or provide any such sub-station transforming station or works or means of access or approach thereto in or under any main road for the time being maintained by the county council without the consent in writing of the county council but such consent shall not be unreasonably withheld and any question whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

Use for
lighting
purposes of
electricity
supplied for
power.

62.—(1) No consumer to whom electricity is supplied by the Council shall without the consent in writing of the Council use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Council for any other purpose.

Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Council through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Council at such higher rate as for the time being they may be charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other

purpose within one year previous to the date when the Council shall sue for any penalty as aforesaid. A.D. 1928.
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Any court having jurisdiction to impose such penalty may and on the application of the Council shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Council.

(2) The provisions of section 18 of the Electric Lighting Act 1909 shall apply to any person whom the Council have reasonable grounds for believing to be acting contrary to the provisions of this section.

63.—(1) If any consumer of electricity supplied by the Council under the terms of any agreement uses the electricity supplied to him by the Council in any manner contrary to the terms of such agreement the Council may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement. Provided that before discontinuing any such supply the Council shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

Provisions
as to
supply of
electricity
by agree-
ment.

(2) A consumer supplied with electricity by the Council under the terms of any agreement shall be deemed to be a person to whom the Council may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Council under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Council fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Council :

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

A.D. 1928.

As to
 maximum
 power which
 may be
 demanded.

64.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Council shall not include any supply of energy taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Council in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Byelaws
 as to appar-
 atus and
 fittings.

65.—(1) The Council may make byelaws for the purpose of preventing fire in any building or premises supplied or proposed to be supplied with electricity by the Council with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity or cut off and discontinue the supply of electricity to any building or premises in which such byelaws are not complied with :

Provided that nothing contained in this section or in any byelaw to be made thereunder shall apply to or in respect of any building or premises (other than a dwelling-house) belonging to the London and North Eastern Railway Company and used primarily as railway premises.

(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

As to
 charges for
 electric
 fittings &c.

66. Any payment due to the Council for the sale or hire of lamps meters electric lines fittings apparatus and things for lighting and motive power or in respect of the provision of materials or for executing works under the provisions of section 58 (Power to supply electric fittings) of the Act of 1902 may be recovered summarily as a civil debt but any such payment shall only be so

recoverable when the sum due to the Council comprises in addition charges for current supplied or is an inclusive amount comprising charges for current as well as in respect of the other matters and things referred to in this section. A.D. 1928.
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67.—(1) A notice to the Council from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left at the office of or sent by post to the Council or be given by the consumer personally at the office of the Council. Notice to discontinue supply of electricity.

(2) Notice of the effect of this section shall be endorsed upon any demand note for charges for electricity.

68.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter unless it be proved to have first arisen during the then current quarter. Period of error in defective meters.

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

69.—(1) Any person who shall hinder an officer appointed by the Council from entering any premises in pursuance of section 24 of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings. Entry upon premises
 Penalty for obstruction.

(2) Where any premises which the Council are entitled to enter in pursuance of the said section 24 are unoccupied the Council may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Council and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

70. The Council may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part Charges for special readings of

[Ch. lxxvi.] *Cleethorpes Urban* [18 & 19 Geo. 5.]
District Council Act, 1928.

A.D. 1928. —
electricity
meters. let furnished at the request of and for the convenience
of consumers at times other than those of the periodical
readings Provided that such charges shall not exceed
the sum of one shilling for each reading.

Contracts
for supply
of electricity
in bulk. **71.**—(1) The Council and any local authority com-
pany or person authorised by Act of Parliament or Order
confirmed by Parliament or by a Special Order under
the Electricity (Supply) Act 1919 to produce or supply
electricity may enter into and carry into effect contracts
for the supply by the Council beyond the electricity
limits to any such local authority company or person or
by any such local authority company or person to the
Council of electricity in bulk upon and subject to such
terms and conditions as may be agreed upon but nothing
in this section shall authorise any party to any such
contract (not being otherwise so authorised) to lay any
mains or electric lines or to interfere with any street.

(2) Any contract entered into under the provisions
of this section shall be submitted to the Electricity
Commissioners for their approval.

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS.

Laying out
of streets
by Council. **72.** The Council may lay out with grass margins
or plant with trees or lay out as gardens any part of
any street repairable by the inhabitants at large and
may erect guards or fences for the protection of such
grass margins trees or gardens and the Council may
maintain in good order any grass margins trees gardens
guards and fences in any such street and alter or renew
the same and may add to the carriageway or footway of
any such street any part of such grass margins parts
planted with trees or parts laid out as gardens as aforesaid
and may alter or re-arrange the parts of any street laid
out as carriageway or footway respectively :

Provided always that nothing in this section con-
tained shall empower the Council to prevent any person
residing in any premises in or abutting on any such
street having full and free right and liberty of access to
and from such premises from and to the metalled or
paved portion of such street :

Provided further that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by Act of Parliament and the Council shall be deemed to be the undertakers.

A.D. 1928.
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73. The Council may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the district repairable by the inhabitants at large. Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Council shall send notice of the proposed work to the Minister of Transport.

Power to determine width of carriage-ways and footways.

74. Where in the opinion of the Council repairs are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Council may at their own expense execute such repairs as they deem necessary and the execution thereof shall not prejudice or affect the operation with regard to such street at any subsequent date of the Private Street Works Act 1892 or of section 19 of the Public Health Acts Amendment Act 1907. Provided that the cost of any such repairs shall not exceed five pounds in the case of any such street.

As to urgent repairs of private streets.

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

Adjustment of boundaries of streets.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the district and if during such period of one month any four inhabitant householders of the district by themselves or their agent give notice to the Council of

A.D. 1928. — their intention to appeal under the provisions of this section the Council shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this proviso.

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

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

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

(6) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Council or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

Saving for
county
council.

76. The Council shall not with respect to any main road within the district for the time being maintained by the county council exercise the powers contained in the sections of this Act of which the marginal notes are respectively :—

"Laying out of streets by Council";

"Power to determine width of carriageways and footways"; and

"Adjustment of boundaries of streets"

except with the consent in writing of the county council. Provided that such consent shall not be unreasonably withheld and any question whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

77.—(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 footpath or way so as to form a new street) are submitted to the Council for approval the Council 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 Council and the respective persons interested in such estates or lands be determined on the application of the Council or any such person by an arbitrator to be appointed by the Minister of Health and the Council may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

A.D. 1928.

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Adjustment
of bound-
aries of
estates.

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

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

A.D. 1928. — tions 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 Council 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 Council may think reasonable.

No building
allowed
until street
defined.

78.—(1) Where plans and sections of a new street have been deposited with and approved by the Council 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 the approved line width and level of the whole length of the street have been defined by posts or by other suitable marks and it shall not be lawful for any person except with such consent to erect the building or any fence nearer to the centre of the street than the posts or other marks by which the width of the street has been so 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.

Frontage
line in new
streets.

79.—(1) The Council may prescribe the line of frontage of houses or buildings (in this section called "the building line") to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already laid out upon which buildings have not already been erected.

(2) It shall not be lawful without the approval of the Council to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building beyond or in front of the building line prescribed by the Council and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been prescribed by the Council. A.D. 1928.
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(4) In the event of the Council prescribing a building line at a greater distance from the centre of a street already laid out than the line at which buildings could be erected having regard to the provisions of the byelaws with respect to streets and buildings in force within the district or of the Public Health (Buildings in Streets) Act 1888 the Council shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

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

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

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

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

80. The power of the Council to make byelaws with respect to secondary means of access under section 23 of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect fronting a street or intended street terraces or other continuous blocks of houses not giving access through their own grounds to the backs of such houses to make Secondary means of access.

A.D. 1928. — and construct a back and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws.

Attachment
of lighting
brackets
and wires
to buildings.

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

Provided that—

- (a) where in the opinion of the Council any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid ;
- (b) any consent of any owner and an order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be required to be removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section ;
- (c) the owner may require the Council temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

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

82.—(1) In any case in which the forecourt of any premises adjoining a street is a source of danger obstruction or inconvenience to the public or in which any steps or projection are or is placed in any such forecourt or any goods are placed therein whether for sale or not the Council may require the owner of the premises well and sufficiently to fence such forecourt from the street. A.D. 1928.
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As to
forecourts.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

83.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to any street or road he shall submit to the Council 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 Council. As to
erection
of retaining
walls.

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

84.—(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 Council a plan and section thereof and shall comply with such regulations as the Council may prescribe for securing the stability of such stand or structure and protection against fire and for securing the safety of persons to be accommodated thereon. Restriction
on erection
of tem-
porary
stands &c.

(2) Any person acting in contravention of this section or offending against any such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

85.—(1) The Council may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating Direction
signs.

A.D. 1928. the direction or the distance to towns railway stations
— public buildings and other places of a public character.

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

Notice of the right to appeal shall be endorsed on every notice given by the Council under this section.

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

Fire alarms. **86.** The Council may erect or fix street fire alarms in such positions in any street road or public place within the district as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 Provided also that the Council shall not under the powers of this section erect or fix street fire alarms in any main road for the time being maintained by the county council without the consent in writing of the county council.

As to fire-plugs &c. **87.** Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire-alarm fire-plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

Banners and signs over streets. **88.—**(1) If the Council shall by resolution determine that any banner streamer sign or lettering suspended across or hung over any street for the purposes of advertisement or announcement is a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the district they may by notice in writing require the owner of or person responsible for

the suspension or hanging of such banner streamer sign or lettering to remove the same within such reasonable period not being less than forty-eight hours as may be specified in the notice. A.D. 1928.
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(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar banner streamer sign or lettering without the permission in writing of the Council or without complying with any conditions attached to any such permission shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

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

(4) (a) Any person deeming himself aggrieved by any requirement of any notice of the Council the withholding of any permission of the Council under this section or by any condition attached to any such permission may within fourteen days from the service of such notice or the intimation to him of such withholding or of the attaching of such condition 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 may seem just.

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

(5) Notice of the right to appeal shall be endorsed on every notice of the Council under this section.

89. Section 157 of the Public Health Act 1875 in its application to the district shall be extended so as to empower the Council to make byelaws with respect to—
(i) the number of dwelling-houses which may be erected in one block or in one continuous row;

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

A.D. 1928.
 —

- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space; and
- (iii) the situation construction and height of walls or fences upon or across such open space.

Byelaws
 as to
 alterations
 to old
 buildings.

90. The power given by subsection (4) of section 23 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 in respect of the alteration of such plans and sections as can be required in relation to the erection of a new building.

As to
 hoardings
 and similar
 structures.

91.—(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—

- (i) beyond any building line prescribed by the Council in respect of the land under the provisions of any local Act in force; or
- (ii) if there be no such line beyond any line which is enforceable by the Council 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 Council may take down or remove any structure erected in contravention of those provisions and recover the expense incurred by them in so doing from the offender.

(2) (a) The Council may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which

would (if erected after the commencement 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 Council shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing. A.D. 1928.
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(b) Any person who shall neglect or refuse to comply with a notice from the Council 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 Council 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 commencement of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

92. The Council may by notice in writing require the owner of any hoarding to maintain the same in good order and condition and if any paper or other material affixed thereto for advertising purposes becomes detached forthwith to remove and clear away such paper or other material and if any owner shall neglect or refuse to comply with any such notice the Council may carry out the requirements thereof and recover from the owner any expense incurred by them in so doing. As to repair of hoardings.

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

A.D. 1928.

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Means of
escape from
buildings in
case of fire.

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

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

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Council make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Council provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Council under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs. A.D. 1928.

(b) Notice of the right to appeal shall be endorsed on every requirement of the Council under either of the said subsections.

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

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

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

(8) This section shall not apply to premises to which sections 14 and 15 of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

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

(10) Where an existing building is newly converted after the passing of this Act into flats it shall be deemed to be a new building within the meaning of this section.

95.—(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 such dwelling-house not so provided Food storage accommodation to be provided.

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

(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 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 reasonably be so provided but which is not so provided after one month's notice from the Council 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 owner aggrieved by any requirement of the Council under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the 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 Council 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 Council under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

Area of
habitable
rooms.

96. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the district shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Powers on
inspection.

97. 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 of 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.

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98.—(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 Council may order the owner at his option either to take down or to repair such building (in this section referred to as a "neglected structure") or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council 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.

Dilapidated
and neg-
lected
buildings.

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

(3) Where the order directs the taking down of a neglected structure or any part thereof the Council in executing the order may remove the materials to a convenient place and (unless the expenses of the Council 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 Council under this section in relation to a neglected structure may be deducted by the Council from the proceeds of the sale and the surplus (if any) shall be paid by the Council 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 Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs.

A.D. 1928.

—
As to
dangerous
buildings.

99.—(1) In any case where a building shall have been reported to the Council as dangerous to the inmates thereof or persons working therein or in the case of any building which may appear to the Council on the report of the surveyor to be dangerous to such inmates or persons the Council 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 clerk enter 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 upon such building and examine and inspect the same.

(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 Council 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 Council with respect to dangerous structures in the district.

Sanitary
conveni-
ences for
workmen
engaged on
buildings.

100.—(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 Council 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.

(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.

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

101.—(1) Section 36 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.

(2) The provisions of subsections (1) (2) and (3) of section 7 of the Housing Act 1925 shall apply with any

necessary modifications as if the same were set out in A.D. 1928.
this section.

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

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

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

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Council under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Council intimating the amount payable or their apportionment thereof. On any such appeal the 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 court may direct.

103.—(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 As to houses connected with single private drain.

[Ch. lxxvi.] *Cleethorpes Urban* [18 & 19 GEO. 5.]
District Council Act, 1928.

A.D. 1928. — other receptacle for drainage the Council shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Council may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Council may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the district.

(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.

Improper
construction
or repair of
soil pipes.

104. Section 129 (Improper construction or repair of watercloset or drain) of the Act of 1902 shall be read and have effect as if the words "or soil pipe" were inserted therein after the word "drain."

As to
defective
drains.

105.—(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 Council may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Council was reasonable and whether the expenses incurred by the Council 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 in the circumstances of the case.

106. Section 62 of the Public Health Act 1875 shall be read and have effect as if the words “or the medical officer” were inserted therein after the words “the surveyor.”

A.D. 1928.

—
 Amendment
 of section 62
 of Public
 Health Act
 1875.

107. 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 Council and if the owner or owners thereof shall fail to repair the same to the satisfaction of the Council within fourteen days after notice shall have been served on him or them requiring the drain to be repaired it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine :

As to
 repair of
 drains.

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

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

Saving for
 railway
 companies.

- “Secondary means of access” ;
- “Restriction on erection of temporary stands &c.” ;
- “Direction signs” ;
- “As to repair of hoardings” ;
- “Means of escape from buildings in case of fire” ;
- “Dilapidated and neglected buildings” ;
- “As to dangerous buildings” ;
- “Sanitary conveniences for workmen engaged on buildings” ;
- “Combined drains”

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 lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or land is used or held by the said railway company primarily for railway purposes.

A.D. 1928.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Parents to
notify
infectious
disease.

109.—(1) Any person being a parent or having the care or charge of a child attending at a school in the district 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.

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

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

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

Restriction
on attend-
ance of
children at
Sunday
schools and
places of
assembly

111.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Council or of a committee of the Council with the view of preventing the spread of infectious disease

or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the district without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

A.D. 1928.

—
when infectious disease prevails.

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

112.—(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.”

Extended meaning of “infectious disease” for certain purposes.

(2) For the purposes of section 126 of the Public Health Act 1875 as amended by section 62 of the 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.

113. The Council may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Council may supply anti-dotes against infectious disease.

114. Section 125 (Provisions as to houses without water supply) of the Act of 1902 shall be read and have effect as if the words “or tenement” were inserted therein after the word “dwelling-house.”

Tenements without water supply.

115. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the

Persons to furnish names of laundrymen to whom clothes &c. from infected

A.D. 1928. infectious disease be sent for washing or mangling from
— the house in which the case of infectious disease exists
houses are and such person shall forthwith furnish such information
sent. accordingly Any person who offends against this enact-
ment shall for every such offence be liable to a penalty
not exceeding forty shillings.

Penalty on 116.—(1) The occupier of any building which is
withholding used for human habitation and in which there is or has
information been any person suffering from an infectious disease shall
from on the application of the medical officer at any time
medical during the illness of such person or within six weeks from
officer. the occurrence of such illness furnish such information
within his knowledge as the medical officer may reasonably
require for the purpose of enabling measures to be taken
to prevent the spread of the disease.

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

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

As to 117.—(1) If the owner of any dwelling-house or
filthy premises occupied therewith represents to the Council
premises. that the occupier of such dwelling-house or premises
habitually maintains the same in a filthy condition any
officer of the Council duly authorised in that behalf may
enter upon such dwelling-house or premises and inspect
the same and if the Council 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 of the Summary Jurisdiction Act 1879.

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

Removal of 118. When any person suffering from infectious
body of disease shall die of such disease the medical officer may
person who give notice thereof to the person responsible for the
has died conduct of the burial of the body of such person and in
of infectious such case it shall not be lawful to transport such body
disease.

by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

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119. 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 or knowingly carries on any trade or business connected with food in such a manner as to be likely to spread the infectious disease he shall be liable to a fine not exceeding forty shillings.

Prohibition
on infected
person
carrying on
business.

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

Disinfection
in case of
tuberculosis.

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

A.D. 1928. be cleansed and disinfected by and at the cost of the Council under the superintendence of the medical officer.

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

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

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

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

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

Byelaws as
to water-
closets.

121. Section 157 of the Public Health Act 1875 in its application to the district shall be extended so as to empower the Council to make byelaws for securing that waterclosets are so constructed and supplied with water that they can be adequately flushed by mechanical means and for securing their protection against frost and for the prevention of the improper use of such closets and of the blocking of the pipes therefrom.

122.—(1) The Council 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 Council.

A.D. 1928.

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 or ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Council.

(5) The owner or occupier of all premises in connection with which a dustbin has been provided as required by this section shall if so required by the Council pay to the Council on each first day of April after such provision such sum not exceeding five shillings as the Council may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such dustbin. Such payments shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance of such dustbin.

(6) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under subsection (1) of this section or who fails to comply with his 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.

123. The Council may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions (a) in or about or arising

Byelaws
as to
stables.

A.D. 1928. — out of any existing stable (whether the same is used as such at the passing of this Act or not) or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

As to
infected
stables and
other places.

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

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

Discon-
tinuance of
offensive
trade.

125.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and in the opinion of the Council it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Council under the hand of the clerk to cease to use such premises for the carrying on of such offensive trade. Provided that the formation or expression by the Council of an opinion under this subsection shall be deemed to be a determination of the Council within the meaning of the section of this Act of which the marginal note is "As to appeal" and that the provisions of that section shall accordingly apply with respect to such opinion as well as to any requirement by the Council under this subsection.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) of this section

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1928.
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(3) If the Council require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Council as may be agreed upon between the Council and such person or as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Council shall have been given for a period only unless the Council shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

126. The power of the Council to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not faecal or offensive or noxious matter or liquid. Byelaws as to refuse.

127.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public Health (Buildings in Streets) Act 1888 to the district be deemed to be a house or building within the meaning of those words where they first occur in the said section. Provisions as to tents vans &c.

(2) It shall not be lawful without the written consent of the Council to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be kept free from obstructions.

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

128.—(1) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the district without the previous approval of the Council. Prohibition of tents vans &c.

A.D. 1928.

(2) It shall not be lawful for any person without the previous consent of the Council to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Council.

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

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

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

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

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

(2) In the event of any person so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Council in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the

premises and the Council shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease. A.D. 1928.

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

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Council would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

130.—(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 and address of such person. Medical practitioner to notify cases of food poisoning.

(2) The Council 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 as medical officer of any public body or institution.

A.D. 1928. — (3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

Byelaws
as to meat.

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

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

(a) that any person bringing any meat (other than foreign meat or meat which has been inspected and passed as fit for the food of man by a medical officer of health or a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of the district in which the animal has been slaughtered) into the district shall give to the medical officer or sanitary inspector reasonable notice thereof in writing and of the day and hour and place in the district at which the meat can be inspected as aforesaid; and

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

Byelaws
as to
transport of
food.

132.—(1) The Council may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of food.

(2) At least one month before applying to the Minister of Health for confirmation of any byelaws made under

this section applicable to the transport by a railway company of food the Council shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister of Health with regard thereto.

A.D. 1928.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of a byelaw made under this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

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

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

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

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

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—
Registration
of premises
used for
preparation
of potted
and pre-
served
foods and
ice-cream.

134.—(1) Any premises used or proposed to be used—

(a) for the preparation or manufacture of potted or preserved meat fish or other food intended for the purposes of sale; or

(b) for the manufacture or sale of ice-cream;

shall be registered by the owner or occupier thereof with the Council from time to time and no premises shall be used for the purposes aforesaid or any of them unless the same are registered as aforesaid.

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

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop respecting which notice is required by subsection (1) of section 127 of the Factory and Workshop Act 1901 to be given and shall not in any way affect the operation of that Act.

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

As to
inspection
of premises
used for
storage of
food.

135.—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Council under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the occupier of such room or his agent his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent. The officer shall afterwards retain one of the said parts for future comparison and submit

the third part if he deems it right to have the sample analysed to the public analyst. A.D. 1928.

(2) The expression "public analyst" in this section means the analyst appointed for the purposes of the Sale of Food and Drugs Acts 1875 to 1907.

136.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition. Penalty on original vendor of unsound meat.

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

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

A.D. 1928. — 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.

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

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

Register of persons preparing shell-fish for sale.

138.—(1) Every person carrying on the business of a dealer in prawns shrimps or other shell-fish within the district who contracts with or employs any person for the preparation of prawns shrimps or other shell-fish for sale for the food of man shall enter on a list to be kept by him for the purpose the name and address of every person so contracting with him or so employed by him otherwise than on his own premises.

(2) No prawns shrimps or other shell-fish shall be delivered or supplied to any person in pursuance of any such contract or employment until the name and address of such person has been entered on the said list together with the date of such delivery.

(3) The lists prepared in pursuance of this section shall be open to inspection by the sanitary inspector who shall be at liberty to take such extracts therefrom as he may think fit.

(4) Every person acting in contravention of this section or hindering the sanitary inspector in the exercise of his powers under this section shall be liable to a penalty not exceeding forty shillings.

Public notice to be given of provisions

139.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published

or circulating in the district and by a notice affixed outside the offices of the Council and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. A.D. 1928.
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 of this
 Part of Act.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an officer or servant of the Council that the notice required by this section has been affixed outside the offices of the Council and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

140. Nothing contained in the sections of this Act of which the marginal notes are "Byelaws as to waterclosets" and "Byelaws as to refuse" shall apply to any building or premises (other than a dwelling-house) belonging to the London and North Eastern Railway Company and used by such company primarily as railway premises. Saving for London and North Eastern Railway Company.

PART IX.

CLEETHORPES PIER PIER GARDENS &C.

141.—(1) The London and North Eastern Railway Company may sell and transfer to the Council and the Council may purchase and accept the pier and pier undertaking for such price or consideration and upon such terms and conditions as may be mutually agreed upon and at the time agreed upon for the transfer to take effect the pier and pier undertaking shall according to the terms conditions and intent of the agreement for such transfer be by this Act subject to the provisions of the Cleethorpes Promenade Pier Order 1867 and the Cleethorpes Pier Act 1873 transferred to and vested in the Council together with all the rights powers authorities and privileges of the said railway company in relation to the pier and pier undertaking except powers relating to the constitution or capital of the undertakers thereunder or the management thereof by the directors: Purchase of Cleethorpes pier by agreement.

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Provided that as from the date of the transfer to and vesting in the Council of the pier and pier undertaking officers of the Board of Trade and Ministry of Transport and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the pier without payment.

(2) The following provisions shall have effect as from the date of the transfer to and vesting in the Council of the pier and pier undertaking :—

- (a) The byelaws which may from time to time be made by the Council in exercise of the powers in that behalf conferred by section 83 of the Harbours Docks and Piers Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws;
- (b) No byelaw shall come into force until it has received the allowance and confirmation of the Minister of Transport and that allowance and confirmation shall be sufficient for all purposes;
- (c) Sections 84 and 85 of the Harbours Docks and Piers Clauses Act 1847 shall cease to apply to the pier and pier undertaking.

Purchase of pier gardens promenade and embankment by agreement.

142. The Council may acquire by agreement the pier gardens and the promenade and embankment or any part thereof or any estate or interest therein and they may also in like manner acquire any other lands not exceeding five acres in extent adjoining any part of the pier gardens promenade and embankment or convenient to be held therewith and may enter into and carry into effect any contracts or agreements necessary or proper for the purpose and the Council shall hold and may use manage control and dispose of the pier gardens promenade and embankment and other lands so acquired by them for the purposes and subject to and in accordance with the powers and provisions set forth in this Act.

Management of pier pier gardens promenade and embankment.

143. The Council shall have the control and management of the pier pier gardens promenade and embankment including any other lands from time to time held in connection therewith after they shall have purchased the same together with all buildings now

existing or hereafter erected thereon and they may exercise the following powers (that is to say):— A.D. 1928.
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- (1) They may improve and extend the lands and buildings and lay out form fence construct and maintain grounds for games sports entertainments recreation and other purposes and also gardens roads footpaths ways walks fences plantations ornamental lakes and may plant trees and shrubs for the purpose of shelter or ornament and erect and provide buildings enclosures pavilions stands lavatories kiosks and seats :
- (2) They may make such reasonable charges as they may think fit for admission to and for the use of the whole or any part of the pier gardens and other lands acquired and held in connection therewith and of any buildings and enclosures therein or on the promenade and embankment and for the use of chairs and for bathing in the lakes therein and for parking cars and other vehicles on any part of the promenade and embankment :
- (3) They may let for a period not exceeding twenty-one years any rights exclusive or otherwise of selling and supplying refreshments to the public resorting to and using the pier and any portion of the pier gardens and promenade and other lands acquired and held in connection therewith to which the public have access and may permit the erection for those purposes of such buildings and the enclosure and provision of such space and accommodation as may be requisite or necessary for adequate and proper catering :
- (4) They may set apart and appropriate any portion of the pier gardens and other lands acquired and held in connection therewith for such purposes of public utility instruction or benefit for such periods and on such terms and conditions as they may think fit :
- (5) They may in any portion or portions of the pier gardens and other lands acquired and held in connection therewith lay out and maintain bowling greens lawn tennis courts and croquet lawns

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and grounds for other games and recreation and provide the necessary apparatus for the use of the same and may provide and maintain apparatus and appliances for bathing and may do all such acts as may be required for the purposes of this section and may make such reasonable charges for the use of such bowling greens lawn tennis courts and croquet lawns and grounds for other games and recreation and the apparatus in connection therewith respectively as they may from time to time prescribe and may make and enforce byelaws with respect thereto and for regulating the use thereof respectively and the conduct of persons using the same or resorting thereto :

- (6) They may from time to time let for terms not exceeding twelve months to any club company or body of persons any portions (not exceeding two acres) of the pier gardens and other lands acquired and held in connection therewith which may have been or which may be intended to be laid out and maintained as bowling greens lawn tennis courts and croquet lawns and grounds for other games and recreation together with the apparatus (if any) provided in connection therewith :
- (7) They may exercise over and in respect of the pier gardens and other lands acquired and held in connection therewith any powers conferred upon the Council by the Public Health Acts (so far as such Acts relate to public walks and pleasure grounds) section 16 (Byelaws as to promenade) and section 73 (Byelaws as to seashore) of the Act of 1902 and Part X (Seashore parks promenades baths public buildings &c.) of this Act :
- (8) They may make and construct streets roads esplanades and promenades on any part of the pier gardens and other lands acquired and held in connection therewith and may if they think fit dedicate any such street road esplanade or promenade or any part of the promenade and embankment to public use or utilise any part of the pier gardens promenade and embank-

ment for the widening and improvement of a highway or take and recover reasonable tolls and charges for the use thereof: and A.D. 1928.
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- (9) They may appoint pay and remove officers servants and workmen to perform any services in connection with the pier pier gardens promenade and embankment and other lands acquired and held in connection therewith:
- (10) If the alteration of any telegraphic line belonging to or used by the Postmaster-General shall be involved in any works of the Council under this section the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and the Council shall be deemed to be undertakers within the meaning of the Act.

PART X.

SEASHORE PARKS' PROMENADES BATHS PUBLIC BUILDINGS &C.

144.—(1) Subject to the provisions of this Act the Council may on any part of the seashore belonging to them or in any park or recreation ground construct and maintain bathing or boating pools together with such works appliances and conveniences as may be necessary or proper in connection therewith and such other buildings as may be approved by the Minister of Health. Bathing and boating pools.

(2) The Council may make such reasonable charges as they may think fit for the admission to and use of any bathing or boating pools by this Act authorised to be constructed or any part thereof and the bathing pool already provided by the Council or any works appliances or conveniences provided in connection therewith or any other buildings erected with the approval of the Minister of Health and the Council may if they think fit let any such works appliances conveniences and buildings.

(3) The provisions of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 shall apply as if a bathing or boating pool was a lake or piece of water in a park or pleasure ground provided by the Council.

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(4) The Council may for any of the purposes mentioned in section 69 of the Town Police Clauses Act 1847 or in section 92 of the Public Health Acts Amendment Act 1907 make byelaws for regulating the use of any bathing or boating pools and works appliances and conveniences in connection therewith.

For protection of
Humber
Conservancy
Board.

145. Notwithstanding anything contained in this Act the following provisions for the protection of the Humber Conservancy Board (in this section referred to as "the board") shall apply and have effect (that is to say) :—

(1) Before commencing the construction of any works below high-water mark of ordinary spring tides under the powers of the section of this Act of which the marginal note is "Bathing and boating pools" plans and sections showing the general mode of construction thereof shall be furnished by the Council to the clerk to the board and the approval of the board to such plans and sections or in case of difference the approval of the arbitrator to be appointed as hereinafter provided shall be obtained by the Council before commencing the said works and the same shall be executed to the reasonable satisfaction of the engineer of the board :

(2) In the event of the board not expressing their disapproval of any plans or sections within two months after the same shall have been furnished to the clerk to the board in pursuance of this section the board shall be deemed to have approved the same :

(3) (a) During the construction and after the completion of any such works constructed by the Council below high-water mark of ordinary spring tides as may constitute a danger to navigation the Council shall at the outer extremities of those works exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps as the board may from time to time reasonably require for the prevention of danger to navigation ;

(b) If the Council fail to comply in any respect with the provisions of this subsection they shall be liable on summary conviction to a penalty

not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail : A.D. 1928.

- (4) The provisions of the section of this Act of which the marginal note is " Abatement of work abandoned or decayed " shall apply with the necessary modifications to the board as if the board were named therein in addition to the Board of Trade and any expenses incurred by the board in pursuance of the said section shall be a debt due to them and be recoverable summarily :
- (5) In the event of any question or difference arising between the board and the Council under the provisions of this section such question or difference shall be referred to an engineer or other fit person to be appointed as arbitrator by the Council and the board or failing agreement by the Board of Trade on the application of the Council or of the board.

146. Subject to the provisions of this Act—

- (1) The Council may construct and may maintain alter extend enlarge improve repair furnish and equip or discontinue sell and dispose of open or covered sea-water or fresh-water swimming and other baths and bathing pools with all necessary conveniences and appliances :
- (2) The Council may make and enforce byelaws 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 Council may demand and take for the use of such baths and bathing pools or for the

As to
baths and
bathing
pools.

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admission of persons thereto such reasonable charges as they may think fit to make :

- (3) The Council may also lay down and provide such sea-water intake pipes apparatus and fittings as may be incidental to or necessary for supplying sea-water to any baths belonging to them and for the purpose of laying and repairing such pipes apparatus or fittings may break up streets repairable by them and alter the position of any culverts pipes and wires under any street Provided that the Council shall not alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :
- (4) The Council may let on lease to any company or person for such term and on such conditions as they may think fit any baths or bathing pools provided by them as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths or bathing pools contained in this section.

Power to provide and let public hall and other buildings.

147. Subject to the provisions of this Act—

- (1) The Council may erect acquire and construct and hold furnish equip maintain insure and carry on a concert hall public hall assembly rooms rooms for all social purposes museums pavilions conservatories winter gardens band-stands and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante rooms shelters waiting-rooms refreshment rooms kitchens cloak-rooms lavatories gardens pleasure grounds promenades model yacht ponds miniature railways outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Council and may provide erect and maintain offices as part of any such building or buildings :

- (2) The Council may grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Council on such terms and conditions as they may think fit. A.D. 1928.
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148. The Council may close to the public and may reserve the exclusive use of any swimming bath open bathing place or bathing or boating pool belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or regattas or for other similar purposes and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath open bathing place or bathing or boating pool such sums for the exclusive use of such bath place or pool or for admission of persons thereto as they may think fit. Use of swimming baths &c. for swimming contests &c.

149. The Council may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of model yacht ponds miniature railways or lands used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms and conveniences in connection therewith authorised by this Act as the Council may deem fit. Power to charge for admission.

150. Subject to the provisions of this Act— Provision of

- (1) The Council may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements in any concert hall public hall assembly room pavilion conservatory winter garden bandstand or other building provided or acquired by them under the powers of this Act or in any baths bathing or boating pools or model yacht ponds belonging to them or in any parks gardens or recreation grounds for the time being vested in them or under their concerts entertainments &c.

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control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and for the use of chairs and other seats provided in connection therewith and the Council may let any such buildings baths bathing or boating pools model yacht ponds or rooms belonging to them or any parks gardens or recreation grounds for the purpose of such concerts entertainments exhibitions swimming contests athletic meetings regattas or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Council may think fit :

Provided that nothing in this subsection contained shall enable the Council to use any concert hall public hall assembly room pavilion conservatory winter garden or other building provided by them under the powers of this Act for the purposes of a cinematograph theatre :

- (2) The Council may in any baths bathing or boating pools model yacht ponds parks or recreation grounds provided by them enclose an area for the purpose of any such concerts or other entertainments exhibitions swimming contests athletic meetings regattas and amusements as aforesaid :
- (3) The Council may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section :
- (4) The Council may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this section :
- (5) The Council may pay or contribute towards the cost of providing and maintaining at public places in the district and on passenger boats tramway cars and omnibuses plying between the district and other places and in newspapers published in the county of Lincoln

advertisements of any concerts entertainments A.D. 1928.
 swimming contests athletic meetings exhibi-
 tions regattas or amusements given or pro-
 vided in pursuance of this section :

- (6) Provided that if the Council themselves pro-
 vide or arrange for the provision or carrying
 on of stage plays or of variety performances
 other than those of a concert party (in
 costume or otherwise) under the provisions
 of this section they shall (unless otherwise
 authorised by Act of Parliament) either—

(a) let the public hall pavilion assembly
 room or other building in consideration of
 the payment to them of a sum or sums of
 money; or

(b) enter into an arrangement under
 which a share in the gross or net receipts
 in respect of the production of such stage
 plays or variety performances shall be
 credited to them;

and the Council shall not under the provisions
 of this section undertake any liability for any
 loss which may be occasioned in the pro-
 duction of any such stage plays or variety
 performances :

- (7) Any expenses incurred by the Council under
 the provisions of this section may be paid by
 the Council out of the district fund and general
 district rate Provided always that the net
 amount of any payments or expenses made
 and incurred by the Council under the pro-
 visions of this section after deducting any
 moneys received by them under the pro-
 visions of this section shall not in any one
 year exceed a sum equivalent to that which
 would be produced by a rate of twopence in
 the pound levied on property in the district
 assessable in that year to the general district
 rate.

151. Subject to the provisions of this Act—

- (1) The Council may upon the seashore belonging
 or let to them erect provide furnish equip and
 repair and may let to or may permit any

Provision
 and use of
 booths
 tents &c.

A.D. 1928.

person subject to such charges and upon such terms and conditions as the Council think fit to occupy any site and thereon to use or carry on booths tents bathing huts shops stalls or stands for the sale of refreshments or of articles or commodities of any kind or for the giving of entertainments exhibitions and amusements and for any other purpose tending to promote the recreation health or pleasure of the public :

- (2) The Council may let for such periods and upon such terms and conditions as they think fit any booths tents bathing huts shops stalls or stands erected or provided by them under this section :
- (3) The Council may upon such terms and conditions as they think fit permit any person by whom any booths tents bathing huts shops stalls or stands are used or carried on under this section to make charges for the use of the same or for admission to entertainments exhibitions and amusements therein :
- (4) The Council may provide and let for hire bathing tents huts and vans and towels costumes and other apparatus for bathing purposes and may provide construct and maintain upon the pleasure grounds and sea-shore belonging or let to them sheds and other conveniences for the storing of the same :
- (5) The Council may employ and pay boatmen for the purpose of protecting persons while bathing and may provide any boats for that purpose.

Acquisition
of seashore.

152. The Council may by agreement purchase or take on lease the whole or any portion of the seashore.

Camps for
boy scouts
&c.

153. The powers of the Council under section 71 (Setting apart and closing pleasure grounds for games) of the Act of 1902 shall be extended so as to enable them to set apart any portion of any park garden or pleasure ground belonging to them as may be fixed by the Council and may be described in a notice board fixed or set up in some conspicuous position thereon for the purpose of

temporary camps for boy scouts boys' brigades and other similar purposes and to exclude the public from the portion set apart while it is in actual use for that purpose. A.D. 1928.
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154. The powers of the Council under section 73 (Byelaws as to seashore) of the Act of 1902 shall extend to enable them to make byelaws providing for the discontinuance of the user of the seashore and promenades for the purpose of profit or gain by any person who seeking to use any part of the seashore or promenades for such purposes shall have failed to pay any charge lawfully prescribed by the Council for or in respect of such user : Byelaws as to seashore and promenades.

Provided that except with the consent of the Commissioners of Crown Lands no byelaws made by the Council under this section shall extend or apply to any portion of the seashore which is not owned or leased by the Council.

155.—(1) No person shall in any street road promenade parade public walk garden or place of recreation on the sea front or at any place in any street within one hundred and fifty yards thereof or on the seashore (above or below high-water mark) within or adjoining the district importune any person by touting for a hotel lodging-house refreshment-house shop boat garden theatre tramway omnibus hackney carriage or any place of amusement nor without the consent in writing of the Council hawk sell or offer for sale any article or commodity : Prohibition of touting and hawking on promenades &c.

Provided that such consent shall not be necessary in the case of the selling or offering for sale of any articles or commodities at or on any booth stall or other erection lawfully placed on the seashore : and

Provided also that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Council may think fit.

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

(3) If the Council refuse their consent to the hawking selling or offering for sale of any article or commodity under this section any person aggrieved by such refusal may appeal to a petty sessional court provided that such

[Ch. lxxvi.] *Cleethorpes Urban* [18 & 19 Geo. 5.]
District Council Act, 1928.

A.D. 1928. — appeal is made within fourteen days from the date on which such refusal is notified to him and that notice in writing of such appeal is sent to the Council not less than seven days before the hearing thereof and the court may make such order as it thinks fit and may award costs.

Prohibiting public speeches &c. on promenades.

156. From and after the passing of this Act it shall not be lawful without the consent of the Council upon any promenade for the time being vested in or belonging to the Council to deliver utter or read aloud any public speech lecture address discourse or other matter of any kind or description whatsoever or to sing any sacred or secular song or to enter into any public discussion maintaining the right to deliver utter or read aloud any public speech lecture discourse address or other matter or to hold or cause or take part in any public assemblage or to play any musical instrument Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and it shall also be lawful for any constable or any officer of the Council to remove from the promenade any person so offending.

Penalty for unauthorised erection of booths &c.

157. If any person shall erect provide or place or maintain on the seashore belonging or let to the Council any booth tent bathing hut shop stall stand or other erection or obstruction or shall use or carry on the same except in pursuance of the provisions of this or some other Act of Parliament or except with the consent in writing of the Council he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

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

Power to appoint officers.

159.—(1) The Council may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in

as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant. A.D. 1928.
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(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pension gratuities and allowances in respect of police service.

PART XI.

LANDS.

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

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

161.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Council 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 district (other than the Housing Acts 1890 to 1923) Retention and disposal of lands.

A.D. 1928. — and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

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

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

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

Proceeds
of sale of
surplus
lands.

162.—(1) The Council may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall subject to the provisions of the section of this Act of which the marginal note is

“ Consolidated loans fund ” apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health. A.D. 1928.

(2) Any capital moneys received by the Council on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

PART XII.

HACKNEY CARRIAGES AND TRAFFIC PROVISIONS.

163.—(1) The Council may from time to time make regulations prescribing within the central area— Regulations for controlling traffic.

- (a) the streets which are not to be used for traffic by vehicles of any specified class or description either generally or during specified hours;
- (b) the streets in which vehicular traffic shall pass in one specified direction only either generally or during specified hours;
- (c) the time during which any omnibus shall be allowed to remain at any one stand; and
- (d) the places at which by reason of danger to the public or congestion of traffic omnibuses and tramcars shall not stop to take up or set down passengers :

Provided that any regulation made under paragraph (a) of this subsection shall not apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the central area whilst so engaged.

(2) Before any regulations made under this section shall come into force the Council shall submit the same to the Minister of Transport for his approval and shall give notice of the subject matters of the regulations by advertisement in a local newspaper circulating in the district and in the London Gazette and in such other

A. D. 1928. — manner (if any) as the Minister of Transport may direct
The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the Minister of Transport and that any such person shall at the same time send a copy of his representations to the clerk.

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

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

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

(6) The regulations shall take effect as approved by the Minister of Transport and shall come into force on a date to be fixed by him.

(7) The Council shall cause notice to be given of all regulations approved under this section by advertisement in a local newspaper circulating in the district and otherwise in such manner as may be prescribed by the Minister of Transport and shall also during the continuance of any regulation approved under paragraph (b) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form

approved by the Minister of Transport indicating the effect of the regulation and the street to which it relates. A.D. 1928.
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(8) The Minister of Transport on the application of any company body or person appearing to him to be sufficiently interested and alleging that any regulation made under this section is unsuitable for the traffic requirements of the district may if satisfied as to the correctness of such allegation and after considering any representations made to him by the Council modify or extend the regulation to which the application relates.

(9) A copy of any regulations approved under this section (with any modifications or extensions made by the Minister of Transport as aforesaid) purporting to be signed by the clerk and certified by him to be a true copy and to have been duly approved shall be evidence (until the contrary is proved) in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(10) As respects any regulation made and approved under this section (subject to any modification or extension made by the Minister of Transport as aforesaid) any person who—

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

(b) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (b) of subsection (1) of this section and a warning notice shall have been erected pursuant to subsection (7) of this section in contravention of such regulation; or

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

shall be liable to a penalty not exceeding forty shillings.

(11) In this section—

(a) “The central area” means the portion of the district comprised within a circle having a radius of half-a-mile from the offices of the Council;

A.D. 1928.
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(b) "Stand" means a place where omnibuses may stop a longer time than is necessary for the taking up and setting down of passengers desirous of entering or leaving the same; and

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

Notice of processions to be given.

164. Section 146 (Notice of procession to be given) of the Act of 1902 shall extend and apply to a public or ceremonial procession other than a procession which is regularly held through the streets of the district.

Regulations as to traffic on carnival days &c.

165. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Council within the district on days appointed for carnivals or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

Power to impose test on motor drivers.

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

Insurance by hackney carriage proprietors.

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

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

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Inspection
and certifi-
cation of
taximeters.

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

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

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

Byelaws
as to
hackney
carriages.

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

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PART XIII.

FINANCIAL.

Power to
borrow.

170.—(1) The Council 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 the said table and in order to secure the repayment of the said sums and the payment of interest thereon the Council may mortgage or charge the revenues of the Council 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 thereto shall respectively be “the prescribed period”) mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the purchase of the tramways undertaking of the Great Grimsby Street Tramways Company within the district and defraying the costs charges and expenses incidental thereto.	The sum requisite.	Twenty years from the date or dates of borrowing.
(b) The provision of omnibuses	£21,000	Eight years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Council may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the other purposes of this Act (other than for the purposes of Part II (Tramways) Part III (Trolley vehicles) Part IV (Omnibuses) Part V (Provisions as to tramways trolley vehicles and omnibuses) and Part VI (Electricity) or for the purchase of and for the purposes of the pier and pier undertaking) and may with the consent of the Minister of Transport as respects the said Parts II III IV and V and for the purchase of and for the purposes of the pier and pier

undertaking and of the Electricity Commissioners as respects the said Part VI borrow such further money as may be necessary for any of such purposes. A.D. 1928.
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(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Council may mortgage or charge the revenues of the Council.

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister or Commissioners with whose consent it is borrowed.

171. Subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" sections 236 237 and 238 of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act. Provisions of Public Health Act 1875 as to mortgages to apply.

172. Subject to the provisions of this Act the following provisions of the Act of 1902 shall apply for the purposes of this Act as if the same were with any necessary modifications re-enacted herein (that is to say) :— Application of financial provisions of Act of 1902.

- Section 151 (Mode of raising money);
- Section 152 (Certain regulations of Public Health Act as to borrowing not to apply);
- Section 159 (Council not to regard trusts);
- Section 160 (Protection of lender from inquiry);
- Section 162 (Application of borrowed moneys).

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

174.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money Sinking fund.

A.D. 1928. borrowed by the issue of stock) such sinking fund shall be formed or 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 Council 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 Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the payment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund 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 Council. A.D. 1928.
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(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 Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this 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 Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister of Health that any such increase is necessary the Council shall increase the payments to such extent as that Minister may direct.

(8) If the Council 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 Council 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.

A.D. 1928.

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(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 Council may with the consent of that Minister discontinue the annual payments to such sinking fund until the Minister of Health shall otherwise direct.

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

(12) All moneys which at the date of the passing 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.

175.—(1) The Council 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 Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys. A.D. 1928.
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(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

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

176. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Council may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Council under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Council under those Acts. As to section 234 of Public Health Act 1875.

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

178.—(1) Where the Council 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 common seal of the Council and may be made in the form contained in the schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or

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

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

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

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

Every such register shall be open to 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 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.

(7) 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 schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(8) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and de-

scriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee. A.D. 1928.
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(9) 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.

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

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

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

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

A.D. 1928. before the date as from which the consolidated loans
— fund is established.

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

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

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

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

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

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

Investment
of and
payments
into sinking
fund.

180. 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 Council are empowered or required to form a sinking fund or loans fund the appropriate yearly sums and the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Council shall be paid and provided out of the district fund and general district rate and all interest on the investments of the said yearly sums and the accumulations thereof (including such

yearly sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and shall form part of the district fund. A.D. 1928.
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181. Notwithstanding anything contained in any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions :—

Use of
moneys
forming
part of
sinking and
other funds.

- (1) The moneys so used shall be repaid to the lending fund within the periods by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing powers would be repayable :

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

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out 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

A.D. 1928.

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.

Evidence of transfer or transmission of securities.

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

As to mortgage of revenues of Council.

183.—(1) Any reference in any mortgage or charge granted by the Council to the revenue of any undertaking of the Council shall be deemed to be a reference to the revenues of the Council.

(2) In order to secure the repayment of any money hereafter borrowed by the Council under any statutory borrowing power and the payment of interest thereon the Council may mortgage or charge the revenues of the Council.

Receipt in case of persons not sui juris.

184. 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 Council.

Closing of registers.

185. The Council may close any transfer books or the registers of transfers of mortgages or other securities of the Council as the case may be on any day in the month next before that in which an instalment of interest on such mortgages or other securities is payable but so that the books be not at any time kept closed for more than one month.

Interest on mortgages held jointly.

186. Where more persons than one are registered as joint holders of any mortgage of the Council any one of them may give an effectual receipt for any interest

thereon unless notice to the contrary has been given to the Council or the treasurer by any other of them. A.D. 1928.

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

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

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

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid

A.D. 1928. — or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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

Application
of revenue
and pay-
ment of
expenses of
under-
takings.

189. All money received by the Council on account of the revenue of any undertaking for the time being of the Council from which revenue is derived including the income arising from the investment of any reserve funds authorised under the said enactments shall be carried to and shall form part of the district fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund or the general district rate.

Separate
accounts
to be kept.

190.—(1) The Council shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the following undertakings of the Council (that is to say) the tramway undertaking and the electricity undertaking (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the interest on any reserve fund authorised in connection therewith) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed and applied by the Council for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed and applied for the purposes of the undertaking;

(d) All other expenses (if any) of the undertaking properly chargeable to revenue; A.D. 1928.

(e) The amount (if any) paid to any reserve fund formed for the purposes of the undertaking under the provisions of the section of this Act of which the marginal note is "Reserve funds" or under any other enactment.

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

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

191.—(1) The Council may (if they think fit) provide a reserve fund in respect of the tramway undertaking and the electricity undertaking (each of which is in this section separately referred to as "the undertaking") by setting aside in any year in which the money received on revenue account in respect of the undertaking shall be in excess of the payments and expenses on revenue account in respect of the undertaking such an amount not exceeding a sum equal to the amount of the said excess as they may from time to time think reasonable and investing the same in statutory securities (with power to vary and transpose such investments) until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding (except in the case of the tramway undertaking) a sum equal to one-tenth of the aggregate capital expenditure for the time being by the Council on the undertaking in respect of which such fund is formed. Reserve funds.

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

(3) All interest received in any year from the investments of any reserve fund so formed shall be carried to and shall form part of the revenue for that year of the

A.D. 1928. district fund but the reserve fund shall in that year
— be increased by a sum equal to the amount of such interest if and so far as the amount of the fund for the time being is less than the prescribed maximum.

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

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

Application
of Elec-
tricity
(Supply)
Act 1926.

192. Nothing contained in this Act shall be deemed to authorise the Council to apply or dispose of the surplus revenue of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

Power to
create
accident
fund.

193. The Council may if they think fit form a fund to be called "the accident fund" to provide for meeting claims upon them under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident whether to their officers servants and workmen or third parties occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sums shall be invested at compound interest in or upon any statutory security but when the fund shall amount to the sum of ten thousand pounds the Council may if they

think fit discontinue such yearly payments but so that if the fund is at any time reduced the Council shall recommence and continue the yearly payments until the fund be restored to the sum of ten thousand pounds Provided that the Council may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the sum shall not then have reached or shall have been reduced below the said sum of ten thousand pounds. A.D. 1928.
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- 194.** The Council may pay out of the district fund and general district rate—
- (a) reasonable subscriptions whether annually or otherwise to the funds of any association of 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 Council 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 Council in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the district.
- Subscriptions to local government associations and other expenses.

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

PART XIV.

MISCELLANEOUS.

196.—(1) The Council may erect and maintain on any open space or public place on or adjoining any highway in the district such weigh-bridges or weighing Power to erect weigh-bridges.

A.D. 1928. — machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

(2) The Council may make such reasonable charges as they may determine for and in respect of the use of any such weigh-bridge or weighing machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weigh-bridges or weighing machines erected by the Council under the provisions of this section.

(4) The Council shall not erect or allow the use of any such weigh-bridge weighing machine or offices so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

Byelaws
as to
pleasure
fairs.

197.—(1) The Council may from time to time make byelaws—

- (a) for regulating the hours during which pleasure fairs may be open to the public;
- (b) for securing safe and adequate means of ingress and egress to the ground upon which any pleasure fair is held;
- (c) for the prevention or suppression of nuisance or nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair.

(2) In this section the expression “pleasure fair” means any entertainment which is run for profit on land within the area lying between the line of the London and North Eastern Railway and the sea front and to the north-west of the Cleethorpes railway station and which consists of or includes any or all of the following whether or not in combination with any other forms of entertainment that is to say any travelling circus exhibition of human beings or performing animals merry-go-round roundabout switchback railway cocoanut shy hoop-la shooting gallery or swings or anything similar to any of the foregoing.

Penalty for
crying
newspapers.

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

199. The Council may within the district establish and maintain an information bureau for the purpose of supplying such information with regard to the district as may be desired by visitors or intending visitors to the district and others and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or for information supplied by means thereof.

A.D. 1928.

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 Power to establish information bureau.

200. The Council may provide and maintain barometrical and other instruments for recording the state of the weather and may take all necessary steps for making and publishing weather reports and statistics.

As to publishing weather reports.

201. 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 Council under Part VII (Streets buildings sewers and drains) or Part VIII (Infectious disease and sanitary provisions) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding 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.

Penalty on occupiers refusing execution of Act.

202. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Part VII (Streets buildings sewers and drains) and Part VIII (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Power of entry.

203. 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 Council under the powers of this Act other than byelaws made under

General provisions as to byelaws.

A.D. 1928. — Parts II III IV V or VI thereof Provided that as respects byelaws made under the section of this Act of which the marginal note is "Byelaws as to pleasure fairs" the Secretary of State shall be substituted for the Minister of Health and Provided also that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been given thereto.

Evidence of appointments authority &c. **204.** Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Appointment of deputies of certain officers. **205.** The Council may from time to time appoint fit and proper persons to be deputy clerk deputy treasurer deputy medical officer of health and deputy surveyor of the district respectively during their pleasure and all things required or authorised by law to be done by or to the clerk treasurer medical officer or the surveyor may (in their absence or illness or during any vacancy in their appointments) be done by or to the deputy clerk deputy treasurer deputy medical officer of health and the deputy surveyor so appointed respectively.

As to breach of conditions of consent of Council. **206.** Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences

equivalent to the execution of the work or the doing of the act or thing without the required consent. A.D. 1928.
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207. Where under the provisions of this Act or any local Act in force in the district the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Apportionment of expenses in case of joint owners.

208. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

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

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

Damages and charges to be settled by court.

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

Recovery of demands.

A.D. 1928.

As to
 appeal.

211. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of Parts VII VIII X or XII of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Council may in like manner appeal.

Several
 sums in
 one sum-
 mons.

212. 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 district 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.

Informa-
 tions by
 whom to
 be laid.

213. 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 Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the district.

Application
 of Arbi-
 tration Act
 1889.

214. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Application
 of miscel-
 laneous
 provisions
 of Act of
 1902.

215. Subject to the provisions of this Act the following provisions of the Act of 1902 shall apply for the purposes of this Act as if the same were with any necessary modifications re-enacted herein (that is to say) :—

Section 170 (Authentication and service of notices);

Section 172 (Recovery of penalties);

Section 173 (Penalties to be paid to treasurer);

Section 174 (Saving as to indictments);

Section 176 (Powers of Act to be cumulative);

Section 181 (Consent of Council to be in writing);

Section 183 (Power to Local Government Board to direct inquiries); A.D. 1928.

Section 184 (Compensation how to be determined):

Provided that the said section 183 of the Act of 1902 shall have effect as if the words "five guineas" were inserted therein instead of the words "three guineas."

216. Section 265 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.

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

218. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other Act or Order from time to time in force within the district by reason of his being liable to any rate. Judges not disqualified.

219. Notwithstanding anything in this Act contained the following provisions for the protection of the Cleethorpes Gas Company (in this section called "the company") shall (in addition to any other provisions enuring for the protection of the company) unless otherwise agreed in writing between the Council and the company apply and have effect (that is to say):— For protection of Cleethorpes Gas Company.

(1) In this section "apparatus" means and includes all or any mains pipes syphons tubes and fittings or other apparatus belonging to the company:

(2) The provisions of section 18 of the schedule to the Electric Lighting (Clauses) Act 1899 shall mutatis mutandis extend and apply to the execution by the Council near any apparatus of any works under the authority of the section of this Act of which the marginal note is "Power to construct electrical sub-stations under

A.D. 1928.
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streets ” as though the execution of such works were the digging or sinking of a trench for laying down or constructing new electric lines (other than service lines) or other works within the meaning of such first mentioned section :

- (3) Whenever the Council in the exercise of the powers of the section of this Act of which the marginal note is “ Power to determine width of carriageways and footways ” shall add to the carriageway of a street any portion of the footway in which there shall be any apparatus the company may alter the position of such apparatus to such a depth below the surface of the carriageway or to such other position as may be reasonable having regard to the circumstances and the Council shall repay to the company the reasonable expenses of and in connection with such alteration of depth or position :
- (4) Whenever the Council in the exercise of the powers of the section of this Act of which the marginal note is “ Adjustment of boundaries of streets ” shall give up land forming part of a street in exchange for other land there then being in such first mentioned land any apparatus the company may alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances and the Council shall repay to the company the reasonable expenses of and in connection with such alteration of position :
- (5) The company shall give to the Council not less than twenty-one days’ notice of their intention to alter the position of any such apparatus under the provisions of subsections (3) or (4) of this section and shall at the same time deliver to the Council a plan section and specification of the proposed alteration. If such plan section and specification are not disapproved by the Council within twenty-one days from the receipt thereof the depth or position of apparatus shown thereon shall be deemed to be reasonable :
- (6) If any difference arises with respect to any matter under this section between the Council

and the company the matter in difference shall be referred to an arbitrator to be appointed on the application of either party after notice thereof in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

A.D. 1928.
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220. The Council shall not nor shall any other body or person under the powers of this Act construct on over or under the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Council or any other body or person shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the owner of such work and the amount of such costs and charges shall be a debt due from the owner of such work to the Crown and shall be recoverable as a Crown debt or summarily.

Works
below high-
water mark
not to be
constructed
without
consent of
Board of
Trade.

221. Nothing in this Act contained shall prejudice or affect the powers rights and privileges of the Corporation of Trinity House of Deptford Strond.

Saving for
Trinity House
of Deptford
Strond.

222. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council or any other body or person to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subject or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners

Crown
rights.

[Ch. lxxvi.] *Cleethorpes Urban* [18 & 19 GEO. 5.]
District Council Act, 1928.

A.D. 1928. — of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Survey of
works by
Board of
Trade.

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

Abatement
of work
abandoned
or decayed.

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

(2) If during the period of thirty days from the date when the notice is served upon the said owner he has failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the said owner and the amount of such expense shall be a debt due from him to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Repeal of
certain
provisions

225. The Cleethorpes Order 1921 and the following sections of the Act of 1902 and the Cleethorpes Electric

[18 & 19 GEO. 5.] *Cleethorpes Urban* [Ch. lxxvi.]
District Council Act, 1928.

Lighting Order 1900 (Amendment) Order 1909 are A.D. 1928.
 hereby repealed:—

The Act of 1902—

—
 of former
 Act and
 Orders.

- Section 31 (Power to make additional crossings &c.);
- Section 59 (Altering date for filling up annual accounts for electric lighting);
- Section 61 (Council may refuse to supply electrical energy in certain cases);
- Section 64 (Council may erect reading refreshment rooms &c.);
- Section 65 (Power to Council to let refreshment rooms &c.);
- Section 66 (Council may let assembly rooms);
- Section 67 (Application of moneys received for admission);
- Paragraph (2) of section 73 (Byelaws as to seashore);
- Section 87 (For regulating manufacture and sale of ice-creams &c.);
- Section 105 (No buildings allowed until street formed);
- Section 119 (Means of escape from buildings in case of fire);
- Section 156 (Regulations as to sinking fund);
- Section 157 (Return respecting sinking fund to Local Government Board);
- Section 158 (Power to re-borrow);
- Section 164 (Application of tramway revenue);
- Section 165 (As to deficiency in receipts);
- Section 175 (Judge not to be disqualified by payment of rates);
- Section 177 (Power to retain sell &c. lands);
- Section 182 (In executing works for owner Council not liable for damage).

Cleethorpes Electric Lighting Order 1900 (Amendment) Order 1909—

- Section 2 (Undertakers may take a supply in bulk);
- Section 6 (As to supply of energy where consumer has separate supply);

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District Council Act, 1928.

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—

Section 7 (Power to refuse to supply electrical
 energy in certain cases);

Section 8 (Consumers to give notice to under-
 takers before removing).

Costs of Act.

226. 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 Council in the first instance out of the district fund and general district rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1928.
—

FORM OF MORTGAGE.

URBAN DISTRICT OF CLEETHORPES.

By virtue of the Cleethorpes Urban District Council Act 1928 and of other their powers in that behalf them enabling the urban district council of Cleethorpes (hereinafter referred to as "the Council") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the Council 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 Council in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the principal sum shall be repaid at the offices of the Council [(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 Council to the mortgagee or by the mortgagee to the Council] [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 Council and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the clerk to the Council 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

[Ch. lxxvi.]

Cleethorpes Urban [18 & 19 GEO. 5.]
District Council Act, 1928.

A.D. 1928.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of
nineteen hundred and .

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this day of nineteen
hundred and .

FORM OF TRANSFER OF MORTGAGE.

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

Dated this day of nineteen
hundred and .

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