



CHAPTER lx.

An Act to empower the mayor aldermen and burgesses of the borough of Southampton to erect a town hall to confer further powers upon the said mayor aldermen and burgesses and for other purposes. [10th May 1929.] A.D. 1929.

WHEREAS the borough of Southampton is a county of itself and is a county borough under the government of the mayor aldermen and burgesses of the borough of Southampton (in this Act called "the Corporation") who acting by the council of the borough are the council of the urban sanitary district which comprises the borough :

And whereas the existing offices and premises of the Corporation are insufficient for the requirements of the borough and it is expedient to empower the Corporation to erect a town hall and to use for that purpose the lands which are referred to in this Act (and which are now used as an open space) subject to a recreation ground or recreation grounds being provided in substitution therefor :

And whereas it is expedient to make further provision with respect to the application of the revenues of the several undertakings carried on by the Corporation and the payment of the expenses thereof :

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

A.D. 1929.
—

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

And whereas estimates have been prepared by the Corporation for the following purposes (that is to say) :—

- | | | |
|--|---|-----------|
| (1) For the erection of the town hall | £ | |
| and other buildings and premises | | |
| authorised by this Act | - | - 413,000 |
| | | |
| (2) For the furnishing and fitting up of | | |
| the said town hall buildings and | | |
| premises | - | - 40,000 |

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act :

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

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

PART I.

PRELIMINARY.

Short and
collective
titles.

1.—(1) This Act may be cited as the Southampton Corporation Act 1929.

(2) The Southampton Corporation Acts 1836 to 1928 and this Act may be cited as the Southampton Corporation Acts 1836 to 1929.

Division
of Act
into Parts.

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

Part I.—Preliminary.

Part II.—Town hall.

Part III.—Finance and miscellaneous.

3. In this Act unless the subject or context otherwise requires—

Interpre-
tation.

- (a) "The Corporation" means the mayor aldermen and burgesses of the borough of Southampton;
- (b) "The borough" means the borough of Southampton;
- (c) "The town clerk" means the town clerk of the borough;
- (d) "The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;
- (e) "Corporation undertakings" means the water electricity tramway and cemeteries undertakings of the Corporation and the undertakings (in this Act called "the bridge undertakings") referred to in Part II (Transfer of Northam and Itchen undertakings) of the Southampton Corporation Act 1928 when acquired by the Corporation;
- (f) "Statutory security" means any security or investment 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 Corporation.

PART II.

TOWN HALL.

4.—(1) When the Corporation have provided a recreation ground or recreation grounds of not less than nine acres in extent in the aggregate (including any recreation ground provided by the Corporation since the

Appropriation of
land.

A.D. 1929. first day of November nineteen hundred and twenty-eight) they may resolve that the land hereinafter referred to shall cease to be an open space and all public rights of way and other rights over that land shall thereupon be extinguished and the provisions of the Southampton Marsh and Markets Acts 1844 and 1865 shall cease to apply thereto.

(2) The land referred to in subsection (1) of this section is known as West Marlands contains nine acres or thereabouts is situate in the borough and is bounded by Commercial Road Havelock Road Everton Street West Marlands Terrace and West Marlands Road.

(3) The said land is coloured red on the plan signed in triplicate by the Right Honourable James Fitzalan Hope the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one copy in the Committee and Private Bill Office of the House of Commons and one copy with the town clerk.

(4) A copy of the plan deposited with the town clerk in pursuance of this section certified by him to be true shall be received in all courts of justice and elsewhere as primâ facie evidence of the contents of the plan.

Erection of
town hall.

5. The Corporation may—

- (1) Upon the land referred to in the section of this Act of which the marginal note is "Appropriation of land" erect a town hall including a council chamber municipal offices art gallery school of art court-house police-court police-station and other buildings and premises for carrying on the business and the several undertakings of the Corporation and may fit up and furnish the same and provide all necessary approaches accesses works and conveniences in connection therewith;
- (2) Let any part or parts of the said town hall buildings and premises and make reasonable charges for admission thereto or for the use thereof.

6. For the protection of the Southern Railway Company (in this section referred to as "the company") the following provisions shall notwithstanding anything contained in this Act and except so far as it may otherwise be agreed in writing between the Corporation and the company under their respective common seals apply and have effect (that is to say) :—

A.D. 1929.

—
For
protection
of Southern
Railway
Company.

- (1) The Corporation shall not upon the land referred to in the section of this Act of which the marginal note is "Appropriation of land" erect any building or structure in such manner that any part thereof shall be within a distance of seventeen yards of a line drawn upon the existing surface of such land and corresponding with and vertically over the centre line of the Blechynden tunnel of the company such distance being measured horizontally along such surface :
- (2) Any road or street or works connected therewith constructed by the Corporation within the distance referred to in subsection (1) of this section shall be constructed in accordance with plans sections and specifications to be previously submitted to and approved by the chief engineer of the company or failing such approval settled by an engineer to be appointed (failing agreement) by the Minister of Transport Provided that if within one month from the submission to him of such plans sections and specifications the chief engineer of the company does not in writing express his disapproval thereof he shall be deemed to have approved the same :
- (3) Nothing in this Act contained shall prejudice or affect the respective rights of the Corporation and the company under or by virtue of an indenture of conveyance of lands over and adjoining the said Blechynden tunnel dated the twenty-fifth day of July eighteen hundred and sixty-six and made between the London and South Western Railway Company of the one part and the Corporation of the other part.

A.D. 1929.

PART III.

FINANCE AND MISCELLANEOUS.

Power to
borrow.

7.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period.
(a) The erection of the town hall and other buildings and premises authorised by this Act.	£ 413,000	Sixty years from the date or dates of borrowing.
(b) The furnishing and fitting up of the said town hall buildings and premises.	40,000	Thirty 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) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act and they shall repay all money borrowed under this subsection within such period as may be prescribed by the said Minister.

(3) For securing the repayment of the money borrowed under this Act and the payment of interest thereon the Corporation may mortgage or charge the general rate fund and the general rate :

Provided that the provisions of this subsection shall not limit the powers conferred upon the Corporation by section 80 (Power to use one form of mortgage for all purposes) of the Southampton Corporation Act 1910.

Application
of capital
money for
art gallery.

8. If the Corporation shall erect an art gallery and a school of art or either of them in conjunction with or as an annexe to the town hall authorised by this Act and if being empowered so to do under a scheme made by the High Court in the matter of the will of Robert

Chipperfield the Corporation as trustees of the said will in accordance with the said scheme apply towards the provision of the said art gallery and school of art or either of them any capital money in their hands as such trustees as aforesaid the sum which the Corporation are by this Act authorised to borrow for the erection of the town hall shall be reduced by the amount so applied.

A.D. 1929.

9.—(1) Notwithstanding anything contained in any previous Act or Order all money received by the Corporation on account of the revenue of each of the Corporation undertakings shall be carried to and form part of the general rate fund and all payments and expenses made and incurred in respect of each undertaking including—

Revenue
and
expenses of
Corporation
under-
takings.

(a) the appropriate sums of principal required to be set apart for or paid into a sinking fund redemption fund or loans fund for the purpose of providing for the repayment of money borrowed;

(b) any sum which the Corporation may determine to set aside for the purposes of a reserve fund under the powers of this Act; and

(c) any expenditure which if this section had not been enacted could have been defrayed out of the revenue of such undertaking

shall be paid out of the general rate fund.

(2) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the Corporation undertakings in the renewal extension and improvement of works and conveniences for the purposes of such undertaking but this subsection shall not apply to the revenue of the electricity undertaking of the Corporation.

10.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the Corporation undertakings by setting aside such an amount as they may from time to time think reasonable (not exceeding in the case of the water undertaking three thousand pounds in any one year) and investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding in the

Reserve
funds.

A.D. 1929. — case of the water undertaking or either of the bridge undertakings a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation upon the undertaking.

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

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

(6) Section 25 (Use of moneys forming part of reserve and other funds) of the Southampton Corporation Act 1925 shall apply to the reserve funds formed under this section.

Accounts of
Corporation
under-
takings.

11.—(1) The Corporation shall keep their accounts in respect of each of the Corporation undertakings 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 undertaking on the one side all receipts in respect of the undertaking 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.D. 1929.
—

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

(2) The Corporation shall show in their accounts relating to each of the Corporation undertakings 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.

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

(4) Whenever the separate heading or division of the accounts in relation to the water undertaking or either of the bridge undertakings shall show in any year that the revenue including any balance brought forward exceeds the amount expended or set aside in connection with the undertaking in respect of the several purposes mentioned in subsection (1) of this section then (subject to the Corporation retaining such sum as they may require for carrying on the undertaking) the charges of the Corporation for the supply of water to be made and charged or the tolls to be taken in respect of the bridge undertakings (as the case may be) in the next succeeding year shall be reduced in such manner as the Corporation think fit to an extent equivalent to the amount of such excess.

A.D. 1929.

Application
of revenue
&c. of
electricity
under-
taking.

12. Nothing contained in this Act shall be deemed to authorise the Corporation to apply or dispose of the net surplus revenue and the annual proceeds of the reserve fund of the electricity undertaking of the Corporation otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 or to increase the said reserve fund beyond the limit prescribed by section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

Application
of existing
enactments.

13. The following enactments shall with any necessary modifications and subject as regards mortgages granted under the provisions of section 80 (Power to use one form of mortgage for all purposes) of the Southampton Corporation Act 1910 to the provisions of that section extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely) :—

The Southampton Corporation Tramways Act 1897—

Section 27 (Provisions as to mortgages);

Section 34 (Power to borrow under Local Loans Act 1875);

Section 36 (Protection of lenders from inquiry);
and

Section 40 (Application of money borrowed).

The Southampton Corporation Act 1910—

Section 73 (Section 234 of Public Health Act not to apply);

Section 75 (Mode of payment off of money borrowed);

Section 76 (Sinking fund);

Section 77 (Corporation not to regard trusts);

Section 103 (Judges not disqualified);

Section 104 (Application of section 265 of Public Health Act 1875); and

Section 107 (Powers of Act cumulative).

The Southampton Corporation Act 1925—

Section 31 (Inquiries by Minister of Health).

14. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of money to be borrowed for that purpose.

A.D. 1929.

—
Costs of
Act.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses :
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.

