



CHAPTER lxviii.

An Act to empower the Corporation of Preston to
construct a weir across the river Ribble and to
execute street improvements to make further
provision with reference to their electricity
undertaking and the finance of the borough
and for other purposes. [10th May 1929.]

A.D. 1929.

WHEREAS the county borough of Preston is a
municipal borough under the management and
local government of the mayor aldermen and burgesses
of the borough acting by the council (in this Act respec-
tively referred to as "the borough" and "the Corpora-
tion") :

And whereas in pursuance of the Preston Corporation
Electricity Orders 1922 and 1925 the Corporation are the
owners of an electricity undertaking which comprises a
large generating station and site for the extension thereof
adjoining a tidal portion of the river Ribble and they
supply electricity within the borough and various
neighbouring parishes and places and also afford large
and important bulk supplies :

And whereas the said generating station has been
determined to be a selected station under and for the
purposes of the Electricity (Supply) Act 1926 :

And whereas in order to secure a more uniform
level of the water in the said river for the purposes of
the said generating station it is expedient that a weir
with sluices and opening gates for vessels should be

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A.D. 1929. — constructed across the river below the site of the said generating station as by this Act provided :

And whereas it is expedient that the Corporation should be empowered to construct street improvements in the borough and to acquire lands for that and other purposes :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their electricity undertaking and that further provision should be made with regard to the finances of the borough as by this Act provided :

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows :—

	£
For the construction of the weir and works in connection therewith -	75,000
For the purchase of lands and for the construction of the street improvements ° - - - - - -	72,133

And whereas the several works included in the said estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years as by this Act provided :

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

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

And whereas the objects of this Act cannot be attained without the authority of Parliament :

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) :—

A.D. 1929.
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PART I.

PRELIMINARY.

1. This Act may be cited as the Preston Corporation Act 1929. Short title.

2. This Act is divided into Parts as follows :— Division of Act into Parts.

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—Electricity.

Part IV.—Finance.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as the same are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act. Incorporation of Acts.

4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts incorporated with this Act meanings are assigned shall in this Act have the same respective meanings And in this Act— Interpretation.

“The borough” means the county borough of Preston;

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

“The council” means the council of the borough;

“The town clerk” and “the treasurer” mean respectively the town clerk and the treasurer of the borough and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of such officer;

“The street improvements” means the street improvements and works in connection therewith by this Act authorised;

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- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough ;
- “ The Minister ” means the Minister of Health ;
- “ The Act of 1904 ” means the Preston Corporation Water Act 1904 ;
- “ The Act of 1914 ” means the Preston Corporation Act 1914 ;
- “ The Lands Clauses Acts ” means those Acts and the Acquisition of Land (Assessment of Compensation) Act 1919 ;
- “ The arbitrator ” means the arbitrator to whom any question of, disputed compensation is referred under the provisions of this Act ;
- “ The electricity undertaking ” means the electricity undertaking of the Corporation as from time to time authorised ;
- “ The tramway undertaking ” means the tramway undertaking of the Corporation as from time to time authorised ;
- “ The water undertaking ” means the water undertaking of the Corporation as from time to time authorised ;
- “ The markets undertaking ” means the markets undertaking of the Corporation as from time to time authorised ;
- “ Daily penalty ” means a penalty for every day on which any offence is continued after conviction ;
- “ 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 Corporation ;

“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; A.D. 1929.
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“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation; and

All distances and lengths stated in any description of works or lands shall be read and have effect as if the words “or thereabouts” were inserted after each such distance and length.

PART II.

WORKS AND LANDS.

5. Subject to the provisions of this Act the Corporation may within the borough construct maintain work and use in the lines and according to the levels shown on the deposited plan and section thereof a weir with sluices and opening gates for vessels commencing at a point in the quay wall on the north bank of the river Ribble 150 yards east of the Bull Nose and terminating on the south bank of the said river directly opposite the said point of commencement together with all proper walls culverts sewers drains pipes piles dolphins moorings buoys beacons lifts platforms footbridges sluices rollers gates fish ladders fish passes and other apparatus for the Power to construct weir.

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A.D. 1929. — passage of fish buildings machinery works and conveniences in connection therewith.

Construction of fish passes.

6.—(1) The Corporation shall construct and maintain in good working order and condition such fish pass or passes or other similar devices and shall adopt such measures as shall from time to time be required and approved by the Minister of Agriculture and Fisheries for the purpose of enabling fish to pass over or through the weir. Provided that the Corporation shall not be required to discharge or cause to flow by means of any such fish pass or other similar device or in consequence of any such measures as they may have been required to adopt by the Minister a quantity of water over through or under the weir greater than at the rate of one million gallons per hour at times when tides fail to reach the level of the impounded water above the weir.

(2) In case of any neglect on the part of the Corporation to construct and maintain such fish pass or passes or other similar device or to adopt such measures as aforesaid the Corporation shall for every day on which such neglect occurs forfeit and pay to the Ribble Board of Conservators (who may sue for and recover the same) the sum of five pounds.

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

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

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

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

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

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Lights on
works
during
construc-
tion.

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

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

Survey of
works by
Board of
Trade.

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

Abatement
of work
abandoned
or decayed.

(2) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Board of Trade may

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A.D. 1929. execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Provision
against
danger to
navigation.

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

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Saving for
Trinity House
of Deptford
Strond.

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

For pro-
tection of
Lancashire
County
Council.

13. Notwithstanding anything in this Act or shown on the deposited plans and sections the following provisions for the protection of the Lancashire County Council (in this section referred to as "the council") shall unless otherwise agreed in writing between the Corporation and the council have effect (that is to say):—

- (1) Before commencing the construction of the weir and works connected therewith by this Act authorised (all of which are in this section included in the expression "the weir") the Corporation shall submit to the council for their approval a plan and section of the weir and specifications and particulars of the apparatus (in this section referred to as "the opening apparatus") to be used for the opening of the sluices of the weir and the weir shall not be

commenced until the said plan and section and the said specifications and particulars have been approved by the council Provided that— A.D. 1929.
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(i) if the council do not notify to the Corporation their approval or disapproval of the plan section specifications and particulars within twenty-one days from the receipt thereof they shall be deemed to have approved thereof; and

(ii) if the Corporation consider that the council have disapproved unreasonably of the plan section specifications or particulars the plan section specifications and particulars shall be submitted to an arbitrator for settlement as in this section provided :

- (2) The weir and the opening apparatus shall be constructed in accordance with the plan section specifications and particulars as approved by the council or settled by an arbitrator as afore-said and also in accordance with the following provisions of this section :
- (3) In the construction of the sluice gates of the weir the Corporation shall not deviate upwards from the levels thereof shown on the deposited section and during the construction of the weir the Corporation shall take all reasonable and proper precautions for preventing any flooding being caused by or in consequence of its construction :
- (4) The said sluices and the opening gates for vessels by this Act authorised shall be so constructed and maintained as together to provide a water-way sufficient to pass all flood water with a difference of water level immediately above and below the weir of not more than six inches Proper gauges for indicating the water level above and below the weir shall be provided and maintained by the Corporation to the reasonable satisfaction of the council :
- (5) The sluices of the weir shall be so constructed that they can be operated readily both by power and by hand and the opening apparatus shall be of such design and shall be constructed and maintained in such manner as normally to

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open automatically whenever the water level immediately above the weir exceeds eleven decimal one three feet above Ordnance datum :

- (6) The Corporation shall also take all such steps as may from time to time be necessary to prevent the level of water in the river immediately above the weir exceeding twelve feet above Ordnance datum except to such extent as cannot be reasonably prevented by the Corporation during the period of any incoming tide or of downward flow of flood water and during those periods the sluices of the weir shall be kept fully open :
- (7) The Corporation shall keep an attendant in charge of the weir on duty continuously day and night or make proper provision to the reasonable satisfaction of the council for securing that an attendant is duly and automatically warned if and whenever the water level immediately above the weir exceeds twelve feet above Ordnance datum :
- (8) Whenever owing to the existence of the weir there is any deposit of sludge above the weir the Corporation shall remove the deposit before any nuisance is caused thereby and whenever owing to the existence of the weir any silt is deposited above the weir the Corporation shall remove the silt before any flooding is caused thereby :
- (9) Any difference which may arise between the Corporation and the council under the provisions of this section and any matter by this section required to be settled by an arbitrator shall be referred to a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to the reference.

For protection
of certain
local
authorities.

14. Notwithstanding anything in this Act or shown on the deposited plans and sections the provisions of subsections (4) to (9) of the section of this Act of which the marginal note is "For protection of Lancashire County Council" shall extend and apply for the protection of the urban district council of Walton-le-Dale and

the rural district council of Preston as if the said councils were therein referred to in addition to the Lancashire County Council. A.D. 1929.
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15. The Corporation shall be responsible for and make good to the Lancashire County Council and to the local authority of every urban or rural district adjoining the river Ribble and to the owners and lessees of all lands works and other property adjoining or near the river all costs losses damages and expenses which shall be proved to have been occasioned to or incurred by the Lancashire County Council or such local authority owners or lessees by the construction of the weir by this Act authorised and the apparatus to be used for the opening of the sluices of the weir or by reason or in consequence of the failure of the Corporation to comply with any of the provisions of the sections of this Act of which the marginal notes are "For protection of Lancashire County Council" and "For protection of certain local authorities."

Corpora-
tion to be
responsible
for damage
in certain
events.

16. Subject to the provisions of this Act the Corporation may within the borough make and maintain in the lines and according to the levels shown on the deposited plans and sections thereof the street improvements hereinafter described together with all proper works and conveniences in connection therewith (that is to say) :—

Power to
construct
street
improve-
ments.

Improvement No. 5 (Fylde Street) A widening of Fylde Street on the south side thereof between a point 40 yards south-east of the junction of Fylde Street and Corporation Street and a point 50 yards south-west of the junction of Fylde Street and Adelphi Street;

Improvement No. 6 (Kendal Street) A widening of Kendal Street on the north-west side thereof between a point 50 yards south-west of the junction of Fylde Street and Adelphi Street and a point 30 yards north of the junction of Kendal Street and Corporation Street;

Improvement No. 7 (Corporation Street) A widening of Corporation Street on the north-east side thereof between a point 30 yards north of the junction of Kendal Street and Corporation Street and a point 40 yards south-east of the junction of Corporation Street and Fylde Street ;

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Improvement No. 8 (Ormskirk Road and North Road) A widening of Ormskirk Road on the north-west side thereof and of North Road on the west side thereof between a point in Ormskirk Road 38 yards west of the junction of Ormskirk Road and North Road and High Street;

Improvement No. 9 (North Road and Park Road) A widening of North Road on the north-east side thereof and of Park Road on the south-west side thereof between the premises known as No. 142 North Road and No. 143 Park Road;

Improvement No. 10 (Church Street) A widening of Church Street on the north-west side thereof between points respectively 31 yards and 57 yards north-east of Tithebarn Street;

Improvement No. 11 (Fishergate) A widening of Fishergate on the north-west side thereof between Charnley Street and a point 23 yards west thereof.

Limits of
deviation.

17. The Corporation may in constructing the works by this Act authorised deviate laterally from the lines shown on the deposited plans relating thereto to any extent not exceeding the limits of lateral deviation shown thereon and the Corporation may deviate vertically from the levels shown on the deposited sections (a) of the weir to any extent not exceeding five feet upwards and to any extent downwards and (b) of the street improvements to any extent not exceeding two feet upwards and two feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Under-
pinning of
houses near
works.

18. And whereas in order to avoid in the execution and maintenance of the street improvements injury to the houses and buildings within one hundred feet thereof it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and

occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to the reference :
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against any further injury

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arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of the requirements of and in the mode prescribed by the arbitrator the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Power to
acquire
lands.

19. Subject to the provisions of this Act the Corporation may enter upon take use and hold such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works by this Act authorised or for the purpose of recoupment or exchange or for rehousing persons displaced under the provisions of this Act and may also enter upon take use and hold the lands hereinafter described and situate within the borough which are delineated on the deposited plans and described in the deposited book of reference (that is to say) :—

For the purposes of baths and washhouses and other purposes connected therewith—

Certain lands bounded by Walker Street and Saul Street and extending between lines drawn parallel to North Road 48 yards and 18 yards respectively west of the west side thereof :

For the purposes of street improvements and works— A.D. 1929.

Certain lands lying between Lennox Street and Avenham Lane and extending from a line drawn through the east end of Wolseley Place to a line drawn along the western boundary of St. John's Girls' School and playground and of the premises known as No. 4 Lennox Street.

20. The powers granted by this Act for the compulsory purchase of lands for the purposes of street improvements shall cease on the first day of October one thousand nine hundred and thirty-four and for any other purpose shall cease on the first day of October one thousand nine hundred and thirty-two. Period for compulsory purchase of lands.

21. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :— Owners may be required to sell parts only of certain properties.

- (1) The owner of and persons interested in any of the properties specified in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making

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compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the arbitrator shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (4) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the arbitrator shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator :
- (5) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion

can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

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- (7) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

22. The provisions contained in the sections of the Act of 1914 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if the said provisions were re-enacted in this Act (that is to say) :—

Certain provisions of Act of 1914 to apply.

Section 17 (Power to alter sewers gas and water pipes &c.);

Section 35 (Persons under disability may grant easements &c.);

Section 36 (As to private rights of way over lands taken compulsorily);

Section 39 (Correction of errors in deposited plans and book of reference); and

Section 40 (Temporary stoppage of streets).

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Compensa-
tion in case
of recently
altered
buildings.

23. In settling any question of disputed purchase money or compensation for lands acquired by the Corporation under this Act the arbitrator shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and twenty-eight if in the opinion of the arbitrator the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the arbitrator was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition of such lands.

Benefits to
be set off
against
compensa-
tion.

24. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of any of the street improvements or arising through such adjoining lands becoming lands fronting on any street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Power to
enter upon
property for
survey and
valuation.

25. The Corporation and their surveyors officers contractors and workmen may at all reasonable hours in the daytime upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and premises by this Act authorised to be taken and used by them for the purpose of surveying and valuing the same without being deemed trespassers and without being subject or liable to any fine penalty or punishment for entering or continuing upon any part of the said lands and premises.

Powers with
reference to
leases of
lands.

26.—(1) The Corporation may accept a surrender of any lease or letting of lands granted by them and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands

leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid. A.D. 1929.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion :

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

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

27. The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation by agreement of any lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of any local Act or Order relating to the Corporation. Purchase of lands for exchange.

28. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of any local Act or Order relating to the Corporation or which may be in the neighbourhood of any street improvement authorised by any such Act with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange. Power to reinstate owners of property.

A.D. 1929.

—
Power to
develop
lands.

29.—(1) The Corporation may with the consent of the Minister lay out and develop any lands belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any of such lands and may sell lease exchange or otherwise dispose of any such lands houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey or lease the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any of the lands to which this section applies at a price or rent or for a consideration of a value less than the current market value of such lands but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(5) The provisions of this section shall not apply to any lands acquired or appropriated by the Corporation for the purposes of education.

PART III.

ELECTRICITY.

Use for
lighting
purposes of
electricity
supplied for
power.

30.—(1) No consumer to whom electricity is supplied by the Corporation shall without the consent in writing of the Corporation 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 Corporation for any other purpose. A.D. 1929.
—

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation 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 liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay the Corporation at such higher rate as they may for the time being 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 Corporation shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation 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 Corporation.

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

31.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for the premises of such consumer 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. As to
maximum
power
which
may be
demanded.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the

[Ch. lxviii.] *Preston Corporation* [19 & 20 GEO. 5.]
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A.D. 1929. Corporation 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.

Power to
cut off
supplies
where
charges &c.
not wholly
paid.

32. The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any apparatus or fitting let on hire by the Corporation or supplied by them on hire purchase terms and which the Corporation are under obligation to maintain remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine.

Power to
recover cost
of cutting
off supplies.

33. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

Further
powers as to
entry upon
premises.

34.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section are unoccupied the Corporation may after giving

not less than forty-eight hours' notice to the owner thereof or if he be unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage. A.D. 1929.
—

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 the said section 16 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway company for the purposes of their railway and forming part of any station or goods depôt.

35. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided. As to use of transformers.

36. A notice to the Corporation 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 be left at or sent by post to the office of the Corporation or be given by the consumer personally at such office. Notice to discontinue supply of electricity.

37. In the event of a meter of a construction and pattern approved by the Board of Trade or 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 of the year unless it is proved to have first arisen during the then current quarter. The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable Period of error in defective meter.

[Ch. lxviii.] *Preston Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929. in the like manner as charges for electricity are recoverable
— by the Corporation.

Attachment
of brackets
&c. to
buildings.

38. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the purposes of the electricity undertaking :

Provided that—

- (1) Where in the opinion of the Corporation 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 or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation 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 shall have the same power as under proviso (1) :
- (3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building :
- (4) No brackets wires and attachments shall be attached to any bridge or other work of any railway company without the previous consent in writing of that company.

For the purpose of this section any occupier of a building 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.

39. The Corporation for the purpose of preventing fire in or injury to any building or premises supplied with electricity by the Corporation or injury to any person may make byelaws 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 the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section 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 a railway company.

A.D. 1929.
Byelaws as to apparatus and fittings.

PART IV.

FINANCE.

40.—(1) The Corporation may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all moneys so borrowed shall be chargeable on the revenues of the Corporation and shall be repaid within the respective periods set forth in the third column thereof and the Corporation may apply any sum so borrowed for the said purposes respectively (that is to say) :—

Power to borrow and repayment of borrowed moneys.

Purpose.	Amount.	Period for Repayment.
	£	
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.
(2) For the construction of the weir by this Act authorised and works in connection therewith.	75,000	Sixty years from the date or dates of borrowing.
(3) For the purchase of lands by this Act authorised to be acquired.	61,950	Sixty years from the date or dates of borrowing.
(4) For the construction of the street improvements.	10,183	Thirty years from the date or dates of borrowing.

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Act, 1929.

A.D. 1929.

(2) The Corporation may also with the sanction of the Electricity Commissioners borrow such moneys as may be necessary for any purpose of the electricity undertaking including the provision of a fund for working capital.

(3) The Corporation may also with the sanction of the Minister borrow such moneys as may be necessary—

(a) for any purpose of the water undertaking including the provision of a fund for working capital; and

(b) for any other of the purposes of this Act.

(4) Any moneys borrowed under the powers of subsections (2) and (3) of this section shall be repaid within such periods not exceeding sixty years as may be prescribed by the authority with whose sanction such moneys are borrowed and all moneys so borrowed shall be chargeable on the revenues of the Corporation.

Incorporation of financial sections of Act of 1904.

41. The provisions contained in the sections of the Act of 1904 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if they were re-enacted in this Act (that is to say) :—

Section 26 (Mode of raising money);

Section 27 (Provision as to mortgages);

Section 29 (Mode of payment off of money borrowed);

Section 30 (Sinking fund);

Section 33 (Protection of lender from necessity of inquiry);

Section 34 (Corporation not to regard trusts);

Section 38 (Application of money borrowed); and

Section 40 (Audit of accounts):

Provided that the periods of repayment referred to in the section of this Act of which the marginal note is "Power to borrow and repayment of borrowed moneys" shall respectively be deemed to be "the prescribed period" for the purpose of such application of the said sections:

Provided also that the said sections shall be read and have effect as if the Minister were referred to therein in lieu of the Local Government Board.

42. The provisions of section 79 of the Public Health Act 1925 shall apply in relation to any sums set apart as a sinking fund or a redemption fund for the purpose of paying off moneys borrowed by the Corporation in the exercise of any statutory borrowing power as if all such moneys had been borrowed by the Corporation in exercise of their powers under the Public Health Act 1875.

A.D. 1929.

Application
of section 79
of Public
Health Act
1925.

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

Use of
moneys
forming
part of
sinking and
other funds.

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

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

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

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paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Returns as
to sinking
fund.

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

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appear to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised 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

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Act, 1929.

of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court. A.D. 1929.

(4) Any enactment in force in the borough immediately prior to the passing of this Act requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

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

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

47. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation. Receipt in case of persons not sui juris.

48. Where more persons than one are registered as joint holders of any security of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them. Interest on mortgages held jointly.

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

A.D. 1929. — the production to and temporary deposit with the town clerk or registrar of stock of the Corporation 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.

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

50.—(1) All moneys received by the Corporation on account of the revenue of the tramway undertaking the water undertaking the electricity undertaking and the markets undertaking (including the interest on any reserve fund authorised in connection therewith respectively) shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of those undertakings respectively shall be paid out of that fund.

(2) The Corporation may (if they think fit) apply money received by them on account of the revenue of the tramway undertaking the water undertaking and the markets undertaking in the construction renewal extension and improvement of the works and conveniences for the purposes of those undertakings respectively.

(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.

Reserve
funds of
tramway
and water
under-
takings.

51.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of the tramway undertaking and the water undertaking respectively by setting aside such an amount as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding in the case of the water undertaking a sum equal to one-tenth of the aggregate capital expenditure for

the time being by the Corporation upon that under- A.D. 1929.
taking.

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

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

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

52. 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 (when amounting to the prescribed limit) 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.

As to
revenue and
reserve fund
of electricity
under-
taking.

53.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of the tramway undertaking the water undertaking the electricity undertaking and the markets 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

Accounts.

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A.D. 1929. 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 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; and
- (e) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain.

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

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as 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.

Date of
operation of
certain
sections and
repeal.

54. The sections of this Act of which the marginal notes are "Application of revenue and payment of expenses of undertakings" "Reserve funds of tramway and water undertakings" and "Accounts" shall not come into operation until the first day of April one thousand nine hundred and thirty and as from the said date section 54 (Local Board to keep a distinct "water account") of the Preston Waterworks Act 1853 section 83 (Application of revenue of tramway undertaking) of the Preston Corporation Act 1900 and section 25 (Application of certain sections of Part XI (Finance and rates) of Act of 1900) of the Preston Corporation Act 1902 so far as it applies the said section 83 and section 27 (As to application of tramway revenue) of the said Act of 1902 shall be repealed.

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

A.D. 1929.

Accounts to
be furnished
to Minister
of Trans-
port.

56.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors appointed under the Municipal Corporations Acts Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as "the appointed auditor."

Appointed
auditors.

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

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

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

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

57.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister shall for the purposes of

Inquiries by
Minister.

[Ch. lxviii.] *Preston Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929. any such inquiry have all such powers as they may have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

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

Expenses of execution of Act. **58.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made shall be defrayed out of the general rate fund and general rate.

Costs of Act. **59.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and general rate or out of money to be borrowed under this Act for that purpose.

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Act, 1929.

[Ch. lxviii.]

The SCHEDULE referred to in the
foregoing Act.

A.D. 1929.
—

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY
MAY BE TAKEN COMPULSORILY.

Purpose.	No. on deposited plan.
Improvement No. 11 - - -	1
ACQUISITION OF LANDS—	
Saul Street and Walker Street	12 20.
ACQUISITION OF LANDS—	
Lennox Street and Avenham Lane.	5

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