

[19 & 20 GEO. 5.] *Oldbury Urban*
District Council Act, 1929.

[Ch. lxxi.]



CHAPTER lxxi.

An Act to empower the Oldbury Urban District Council to acquire lands and execute street improvements and to make further and better provision for the health local government finance and improvement of the district and for other purposes. A.D. 1929.
[10th May 1929.]

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

And whereas it is expedient that the Council should be empowered to construct street improvements in the district and acquire lands for those purposes and that further powers should be conferred upon them with respect to the acquisition of lands:

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 should be enacted:

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

[Ch. lxxi.] *Oldbury Urban* [19 & 20 GEO. 5.]
District Council Act, 1929.

A.D. 1929.

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

For the construction of the street improve-	£
ments by this Act authorised	3,300

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Oldbury Urban District Council Act 1929.

Division of
Act into
Parts.

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

- Part I.—Preliminary.
- Part II.—Street works.
- Part III.—Lands.
- Part IV.—Streets buildings sewers and drains.
- Part V.—Infectious disease and sanitary provisions.
- Part VI.—Hackney carriages and traffic provisions.
- Part VII.—Financial provisions.
- Part VIII.—Miscellaneous provisions.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act (namely):—

A.D. 1929.

—
Incorporation of
general
Acts.

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

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

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

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

Interpreta-
tion.

“The district” means the urban district of Oldbury;

“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 offices;

“The county council” means the council for the administrative county of Worcester;

“The canal company” means the Company of Proprietors of the Birmingham Canal Navigations;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the district or until the date when the first new valuation list made under Part II of the Rating and Valuation Act 1925 comes into

[Ch. lxxi.] *Oldbury Urban* [19 & 20 GEO. 5.]
District Council Act, 1929.

A.D. 1929.

force in the district the district fund and the general district rate of the district;

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

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

“The Minister” means the Minister of Health;

“The street works” means the street widenings and improvements authorised by this Act;

“Hackney carriage” has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus;

“Road authority” means with reference to any road or part of a road in which any police telephone call box or street fire alarm shall be fixed under the powers of this Act the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

“Telegraphic line” has the meaning assigned to it by the Telegraph Act 1878;

“Food” has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;

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

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

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

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

“Statutory borrowing power” means any power A.D. 1929.
—

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 rent-charge 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 (Definitions) 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;

“Principal moneys” means all moneys borrowed or to be borrowed by the Council under any statutory borrowing power (including the borrowing powers under this Act) and not raised by the issue of Council stock.

PART II.

STREET WORKS.

5. Subject to the provisions of this Act the Council may execute and construct in the lines and according to the levels shown on the deposited plans and sections the

Power to
execute
street
works.

A.D. 1929. street works in the district hereinafter described (that
— is to say) :—

Work No. 2 A widening of Church Street (on the easterly side thereof) and of Birmingham Street (on the northerly side thereof) commencing on the east side of Church Street at a point seventy-two feet or thereabouts measured in a southerly direction from the centre of Wagon Yard and proceeding thence in a southerly and south-easterly direction and terminating at the north side of Birmingham Street at the south-west corner of the premises known as "Bull's Head Inn";

Work No. 3 A widening of Birmingham Street (on the southerly side thereof) commencing at the westerly side of Church Square and terminating at the easterly side of Halesowen Street.

Limits of
deviation.

6. In the construction of the street works the Council may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Temporary
stoppage of
streets.

7.—(1) The Council during and for the purpose of the execution of the street works may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or from any house in the street from passing along and using the same.

(2) The Council shall provide reasonable access for foot passengers bonâ fide going to or from any such house.

(3) The Council shall also provide reasonable access for foot passengers and vehicular traffic bonâ fide going to or from any railway station or dépôt of any railway company or to or from any canal or canal wharf of the canal company.

(4) Notwithstanding the stopping up temporarily of any public street or place under the powers of this Act it shall be lawful for the Shropshire Worcestershire and Staffordshire Electric Power Company to exercise the same rights of access as they now enjoy to all or any

mains pipes wires or other works of such company A.D. 1929.
situate in or under any such street or place.

8. And whereas in order to avoid in the execution and maintenance of the street works injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same therefore the Council 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):—

Under-
pinning of
houses near
street
works.

- (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 Council 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 clerk:
- (3) If any owner lessee or occupier of any such house or building or the Council 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 (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference:
- (4) The referee 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 Council may

A.D. 1929.

and shall proceed forthwith so to underpin or strengthen the said house or building:

- (5) The Council shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Council such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Council then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Council 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 enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Council 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 enactment 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.

Carriageway
footway
sewers and
other works.

9. Subject to the provisions of this Act the Council may cause such parts of the street works to be laid out for carriageway and such parts thereof for footway as they may think proper and may upon the lands acquired

by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of or in connection with the street works. A.D. 1929.
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PART III.

LANDS.

10.—(1) Subject to the provisions of this Act the Council may enter upon and take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the street works or for the provision of space for the erection of buildings adjoining or near to such street works. Power to acquire lands for street works and other purposes.

(2) The powers of the Council of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Council by agreement of any other lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be required by them for the purposes of or in connection with the street works or other the purposes of this Act.

11. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the district for the correction thereof and if it appear to the justices acting for the district that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Worcester and a duplicate shall also be deposited with the clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk with Correction of errors omissions &c.

A.D. 1929. the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Power to enter upon property for survey and valuation.

12. The Council and their surveyors officers agents contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Persons under disability may grant easements &c.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Benefits to be set off against compensation.

14. In estimating the amount of compensation or purchase money to be paid by the Council in respect of the acquisition under this Part of 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 new street or of the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such new or existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

15. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the following provisions shall apply and have effect (that is to say):—

A.D. 1929.

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Compensation in case of recently created interest.

(1) The tribunal shall not take into account any building erected or any improvement or alteration made or any interest in land created after the sixteenth day of November one thousand nine hundred and twenty-eight and before the date of the passing of this Act if in the opinion of the tribunal the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act:

(2) Subject as is hereinafter in this section provided the tribunal shall not take into account—

(a) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any improvement or alteration reasonably necessary for properly maintaining such premises) made after that date which in the opinion of the tribunal materially enhances the value of such premises; or

(b) any interest in land greater than that of a quarterly tenant created after the date of the passing of this Act:

(3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the Council of his intention to erect any building upon or to make any improvement or alteration of or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically described in the notice) and the Council do not within one month after receiving any such notice serve upon such

A.D. 1929.
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person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

(a) subsection (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

(b) subsection (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said sixteenth day of November and before the date of the passing of this Act:

- (4) The Council shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Act.

Limit of
time for
compulsory
purchase of
lands.

16. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of October one thousand nine hundred and thirty-four.

Extinction
of private
rights of
way.

17.—(1) All private rights of way over any lands which the Council are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Council be extinguished.

(2) Provided that the Council shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to
Council to
make agree-
ments with
owners of
property &c.

18. The Council may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the street works or of the lands which the Council may acquire under the powers of this Act with respect to the sale by the Council to such person of any lands or property

(including any part of a street or thoroughfare appropriated by the Council under the powers of this Act and not required for the street works) for such consideration as may be agreed upon between the Council and such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Council for the purposes of this Act. A.D. 1929.
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19. The Council may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of the street works or any of them with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Council may pay or receive money for equality of exchange. Power to reinstate owners of property.

20. The Council on selling any lands may reserve to themselves all or any part of the easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. Reservation of easements &c.

21.—(1) The Council may with respect to any lands for the time being belonging to them and not required for the purpose for which they were acquired exercise all or any of the following powers viz.— Power to develop lands &c.

(a) they may with the consent of the Minister lay out and develop any such lands and on any such lands may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways;

(b) they may grant any easements rights or privileges in under or over any such lands and may pull down and remove any house or other building situate on any such lands and use or dispose of the materials thereof.

(2) The Council may also sell lease exchange or otherwise dispose of any houses shops offices warehouses

A.D. 1929. — or buildings erected or situate on any such lands and subject to such terms conditions and restrictions as they may think fit including conditions and restrictions as to the buildings to be erected and the use to which such buildings may be put.

(3) The provisions of this section shall be in addition to and not in derogation of any other powers vested in or exerciseable by the Council.

(4) Notwithstanding the foregoing provisions of this section the Council shall not under the powers of this section—

(a) lay out or develop any lands or erect on any lands any houses shops offices warehouses or other buildings in any manner which infringes any then existing legal right of any owner lessee or occupier of adjoining lands; or

(b) except with the consent of the Minister sell lease or dispose of any such houses or other buildings except at the best price or on the best terms which can reasonably be obtained but nothing in this subsection shall require a purchaser or lessee from the Council to inquire whether the consent of the Minister is necessary or has been obtained.

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

Further
powers for
the acquisition of lands.

22.—(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 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 moneys so borrowed shall be repaid within such period as may be prescribed by the Minister.

(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 general rate fund and general rate. A.D. 1929. —

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

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

23.—(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 purposes 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 Act 1925) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange : Retention and disposal of lands.

A.D. 1929.

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

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

(2) Nothing in this section contained shall release the 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.

Powers with
reference to
leases of
lands.

24.—(1) The Council may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act or any local Act for the time being in force within the district 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.

(2) The Council 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 Council 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 Council in their discretion : A.D. 1929.

Provided that any such lease granted by the Council shall be subject to similar conditions and limitations as are prescribed in the last preceding section of this Act with respect to leases granted thereunder.

25.—(1) So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of this Act (other than lands acquired under the section of this Act of which the marginal note is "Further powers for the acquisition of lands") in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister. Proceeds of sale of surplus lands.

(2) Provided that—

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

26.—(1) The Council may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Council for the purposes of the said undertakings Dwelling-houses for persons in Council's employment.

A.D. 1929. and (subject to the terms of the lease) upon any lands
— for the time being leased to the Council for those
 purposes.

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

PART IV.

STREETS BUILDINGS SEWERS AND DRAINS.

Adjustment
of bound-
aries of
streets.

27.—(1) The Council may enter into and carry
into effect agreements with any owner of lands adjoining
any street within the district 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.

(2) Provided that no such agreement shall be en-
tered 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 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. A.D. 1929.

(7) Notwithstanding any agreement entered into under this section the Shropshire Worcestershire and Staffordshire Electric Power Company shall continue to have the same powers and rights in respect of any mains pipes wires or other works belonging to or used by them which remain 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 mains pipes wires or other apparatus the enactments contained in section 15 of the Electric Lighting Act 1882 shall apply to any such alteration as though the Council or the owner of the adjoining land as the case may be were any local authority or other public authority company or person within the meaning of that section.

28.—(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 Adjustment of boundaries of estates.

A.D. 1929. — 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 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 sum as may be agreed upon or in default of agreement may be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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

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

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the 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 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.

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

A.D. 1929.

—
Development
scheme may
be required
in connection
with
new streets.

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

(3) If after the submission of the plans and particulars referred to in subsection (1) of this section the Council shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans and particulars as approved and if any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The said owner may at any time submit to the Council for their approval any alterations in the said plans and particulars and the Council may if they think fit approve such alteration.

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

A.D. 1929. — order in the premises and on such terms and conditions as to the court shall seem just.

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

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

No building
allowed
until street
defined.

30.—(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 he has defined by posts or in some other suitable manner the approved line and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for such person except with such consent to erect the building or any fence nearer to the centre of the street than such line.

(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.

Further
powers as to
future line
of street.

31.—(1) The Council may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 (Power to prescribe improvement line for widening streets) of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

(2) The owner may and if so required by the Council shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Council under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any

requirement of the Council under this section the Council shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid. A.D. 1929.
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(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) Any person who shall fail to comply with a requirement of the Council under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

32.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Council by virtue of any enactments or byelaws with respect to streets and buildings in force within the district distinctly define and mark on a plan drawn to such scale as the Council may require and to be prepared and submitted by such person to the Council for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Council shall be deemed to have approved any building line unless within six weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof. Building
line in
streets.

(2) The Council may also prescribe 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 formed upon which buildings have not already been erected.

(3) It shall not be lawful 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 if the building line for such street has been disapproved by the

A.D. 1929. Council or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or 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.

(4) The provisions of section 3 (Buildings not to be brought forward) 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 approved or prescribed by the Council.

(5) In the event of the Council requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions 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.

(6) For the purposes 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.

(7) 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.

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

33. Any person who shall cover or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds. A.D. 1929.
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Fire-plugs.

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

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

(b) Any person who shall neglect or refuse to comply with a notice from the Council given in pursuance of this

A.D. 1929. 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 passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

Restrictions
on adver-
tisement
hoardings.

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

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

As to repair
of hoard-
ings.

36. The Council may by notice in writing require the owner of or other person using any hoarding wall or similar structure for advertising purposes erected before or after the commencement of this Act to keep and maintain the same in good order and condition and if

any papers affixed for advertising purposes to such hoarding wall or similar structure fall away become detached or are stripped off to forthwith remove and clear away such papers 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. A.D. 1929.

37.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the 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 for securing the safety of persons to be accommodated thereon. *Restriction on erection of temporary stands &c.*

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

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

38.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the district shall be altered and construed as if the following sub-paragraphs were added immediately after the sub-paragraph numbered (4) in the said section :— *Further amendment of section 157 of Public Health Act 1875.*

(5) For requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health;

(6) For securing that waterclosets shall be constructed and supplied with water that can be adequately flushed by mechanical means and for protecting waterclosets against frost and preventing the improper use of such closets and of the blocking of the pipes therefrom.

(2) The said section 157 shall also in its application to the district be read and have effect as if it empowered

A.D. 1929. the Council to require by byelaws the deposit of plans and sections by persons intending to construct any drain in connection with a building.

(3) Before any byelaws relating to waterclosets are made under this section the Council shall furnish a copy thereof to the South Staffordshire Waterworks Company who shall be entitled to object to the confirmation thereof.

Erection of buildings to greater height than adjoining building.

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

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

Erection of retaining walls.

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

(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 forty shillings and to a daily penalty not exceeding twenty shillings.

Byelaws as to alteration of buildings.

41. The power given by subsection (4) of section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be

extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission of such plans and sections in relation thereto as can be required in relation to the erection of a new building. A.D. 1929.

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

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

43.—(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 to take down or repair or rebuild such building (in this section referred to as “neglected structure”) or any part thereof or otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the 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. Removal of dilapidated and neglected 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 Council in the execution of any such order under the provisions of subsection (2) of this section take down a neglected structure or any part thereof the Council 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

A.D. 1929. — deducted by the Council out of 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 in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

As to
dangerous
buildings.

44.—(1) In the case of any building which may appear to the Council on the report of the surveyor to be dangerous to the inmates or to persons working therein 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 at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same.

(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.

Food
storage
accommoda-
tion to be
provided.

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

(2) (a) Every dwelling-house the erection of which was commenced but has not been completed before the

passing of this Act shall where reasonably practicable be provided with a sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can be reasonably so provided but which is not so provided after one month's notice from the 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. A.D. 1929.

(b) Any person aggrieved by any requirement of the Council under this subsection may appeal to a court of summary jurisdiction within fourteen days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the 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 of Staffordshire holden at West Bromwich 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 under all the circumstances of the case.

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

Elevation of buildings erected on front lands to require approval.

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

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

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

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

A.D. 1929.

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

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

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

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

Area of
habitable
rooms.

47. Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) 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.

Sanitary
conveni-
ences for
persons
engaged on
buildings.

48.—(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.

Byelaws as
to erection
of dwelling-
houses
under con-
tinuous
roof.

49. Section 157 (Power to make byelaws respecting new buildings &c.) 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;

- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space; A.D. 1929. —
- (iii) the situation construction and height of walls or fences upon or across such open space.

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

51.—(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 owner or 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.

A.D. 1929.

(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 petty sessional court 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 petty sessional court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

Houses
connected
with a single
private
drain.

52.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Council shall have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 as amended by section 34 of the Public Health Acts Amendment Act 1907 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 proportion 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 (Extension of 38 & 39 Vict. c. 55. s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the 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.

As to
defective
drains &c.

53.—(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. A.D. 1929.
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(2) Upon any proceedings under this section the court may inquire whether any requirements contained in any notice given under this section or work done by the 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 under the circumstances of the case.

54. 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 it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Council may remit the payment of the same by the owner or owners if they think fit. As to repair of private drains.

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

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the

A.D. 1929. — said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Wilful
damage to
drains
waterclosets
&c.

56. If any person cause any drain watercloset earthcloset privy or ash-pit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Saving for
railway
and canal
companies.

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

- As to hoardings and similar structures;
- Restriction on erection of temporary stands &c.;
- Removal of dilapidated and neglected buildings;
- As to dangerous buildings;
- Combined drains;

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

For pro-
tection
of South
Stafford-
shire
Waterworks
Company.

58. In any case where the adjustment of the boundary of any street or of any estate or the widening of any street under the powers of this Act would cause any mains pipes or apparatus (in this section called "apparatus") of the South Staffordshire Waterworks Company (in this section called "the company") which are under the footway of any street to be under the

carriageway thereof or cause any such apparatus which is under the footway or carriageway of any street to cease to be under such carriageway or footway or would otherwise affect any such apparatus the Council shall before any such adjustment or widening is effected give notice in writing to the company of the proposed adjustment or widening and thereupon notwithstanding any agreement made by the Council otherwise than with the company with reference to any such matters the company shall continue to have the same powers and rights in respect of any such apparatus as they had immediately before such adjustment or widening : A.D. 1929.

Provided that—

- (a) the Council may by such notice require the company to alter and the company when so required shall alter ; or
- (b) the company may if they notify the Council within the period of one month after the receipt by them of such notice of their intention so to do alter the position of any such apparatus and any expenses reasonably incurred by the company in effecting any such alteration as aforesaid shall be repaid to them by the Council.

PART V.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

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

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

(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.

A.D. 1929.

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

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

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

Parents to
notify
infectious
disease.

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

Extended
meaning of
"infectious
disease"
for certain
purposes.

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

of this Act of which the marginal note is "Inter-pretation." A.D. 1929.

(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.

63.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Council 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 or sanitary inspector to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary orders) of the Summary Jurisdiction Act 1879. As to filthy premises.

(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.

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

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

At least one month before applying to the Minister for confirmation of any byelaws made under this

A.D. 1929. — section applicable to the transport of food by a railway company 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 the company shall be entitled to make representations to the Minister with regard thereto.

Penalty on
original
vendor of
unsound
food.

66.—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 (Extension of 38 & 39 Vict. c. 55. ss. 116–119) of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for food of man (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the said section 117 unless he proves that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition.

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

(3) Before any animal or article liable to be condemned under the said section 117 as amended by the said section 28 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a

prosecution under the aforesaid provisions shall be A.D. 1929.
entitled to attend the proceedings before the justice
and to be heard with his witnesses upon the application
for the condemnation of any such animal or article.

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

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

68.—(1) On any inspection of any room carried As to
out by the medical officer sanitary inspector or any inspection
other officer of the Council under the provisions of of premises
subsection (5) of section 72 of the Public Health Act used for
1925 such officer shall have power to take samples storage of
of any such materials commodities or articles of food 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.

(2) The expression " public analyst " in this section
means the analyst appointed for the purposes of the
Food and Drugs (Adulteration) Act 1928.

A.D. 1929.

As to powers
of requiring
sanitary
conveniences
for manu-
factories &c.

Registration
of premises
used for
manufac-
ture &c. of
potted
meats and
ice-cream.

69. The Council may exercise the powers of an urban authority under section 22 of the Public Health Acts Amendment Act 1890 (which relates to the provision of sanitary conveniences in workshops and manufacturing factories) on the report of the medical officer or the sanitary inspector as well as on the report of the surveyor.

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

- (a) the preparation or manufacture of potted or preserved meat fish sausages or other food intended for the purposes of sale; or
- (b) 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 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given and shall not in any way affect the operation of that Act.

(4) This section shall not apply to any premises used as a hotel restaurant or club.

Medical
practi-
tioners to
notify
cases of
food
poisoning.

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

(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 of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings. A.D. 1929.
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72.—(1) The owner of any dwelling-house or tenement in the district which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the means of affording such a supply of water are not available and cannot be made available at a reasonable cost: As to houses without water supply.

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

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

73. At any time after the passing of this Act the Council may— Agreements as to slaughter-houses.

(a) Acquire by agreement any premises within the district used for the purpose of slaughtering animals intended for food (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee or occupier of such premises;

(b) Agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

74.—(1) (a) The Council may by written notice to the owner and occupier of any registered slaughter-house within the district which from its situation or construction is in the opinion of the Council injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after Power to close slaughter-houses if injurious to public health.

A.D. 1929. — such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

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

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

(2) The Council shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Council under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

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

75.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanized iron dustbins in lieu of ash-pits or ash-tubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Council.

A.D. 1929.

—
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 ash-tubs 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 ash-tub or ash-pit 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) 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.

(6) 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.

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

A.D. 1929.

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Provisions
as to tents
vans &c.

76.—(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.

(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 left 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.

Prohibition
of tents
vans &c.

77.—(1) (a) 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.

(b) 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.

(2) Any person aggrieved by the withholding by the Council of any 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 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.

(3) 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 roundabout proprietor

travelling showman or stallholder not being a pedlar or hawker. A.D. 1929.

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

78.—(1) Public notice of the provisions of this Part of this Act shall be given within one month after the passing of this Act by advertisement in two newspapers 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.

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

PART VI.

HACKNEY CARRIAGES AND TRAFFIC PROVISIONS.

79.—(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.

Inspection and certification of taximeters.

A.D. 1929.

(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.

Powers to
grant
occasional
licences.

80. An occasional licence for a public vehicle to ply for hire may be granted by the Council to be in force for such day or days or other periods less than one year as may be specified in the licence.

Provisions
as to certain
vehicles let
for hire.

81. The provisions of the Town Police Clauses Act 1847 shall extend to empower the Council to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Council in force with respect to hackney carriages except so much of such byelaws as relates to the fixing of fares shall apply to every horse-drawn or motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only Provided that this section shall not apply to any such vehicle while standing or plying for hire at any railway station or railway premises or to any vehicle which is kept and used ordinarily for the purpose of being let on hire by the hour or the day or for longer periods of hire or for journeys under special contract or to an omnibus as defined in the Town Police Clauses Act 1889.

Insurance
by hackney
carriage
proprietors.

82. The Council may in their discretion refuse to grant a licence to ply for hire with a hackney carriage or omnibus if the applicant (not being a railway company) fails to satisfy them that he effects and keeps on foot 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. A.D. 1929.

83.—(1) The Council may from time to time make regulations prescribing within the central area—

Regulations
for con-
trolling
traffic.

(a) the streets along which vehicular traffic shall pass in one direction only and the direction in which such traffic shall pass;

(b) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers:

Provided that no regulation made under paragraph (a) of this subsection shall apply to any street along which any tramcar is for the time being operated in both directions.

(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 manner (if any) as the said Minister 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 said Minister and that any such person shall at the same time send a copy of his representations to the clerk.

(3) The said Minister 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 said Minister 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 said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the

A.D. 1929. inquiry and a sum to be fixed by the said Minister 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 said Minister 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 newspaper circulating in the district and otherwise in such manner as may be prescribed by the said Minister and shall also during the continuance of any regulation approved under paragraph (a) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the said Minister indicating the effect of the regulation and the street to which it relates.

(8) As respects any regulation made and approved under this section (subject to any modification or extension made by the said Minister as hereinafter provided) any person who—

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

(b) shall contravene any regulation under paragraph (b) of subsection (1) of this section;

shall be liable to a penalty not exceeding forty shillings.

(9) A copy of any regulations approved under this section (with any modifications made by the said Minister 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) In this section—

A.D. 1929.

“ The central area ” means any part of the district which is within a radius of four hundred yards from the town hall.

(11) The Minister of Transport on 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 be satisfied as to the correctness of such allegation and after considering any representations made to him by the Council may modify or extend the regulation to which the application relates.

84.—(1) The Council may make regulations prescribing within the district—

Regulations
as to stands
or stopping
places of
omnibuses.

(a) as respects omnibuses in general or omnibuses of any particular class or used on any particular route or running according to a published time-table the stands which may be occupied exclusively by them and the places where they may stop for longer than is necessary for the purpose of picking up and setting down passengers; and

(b) the time during which any omnibus shall be allowed to remain at a prescribed stand or stopping place;

and any omnibus standing upon such stand or stopping place in accordance with regulations made under this section shall be deemed to be within the exception in the ninth paragraph of section 28 of the Town Police Clauses Act 1847.

(2) Upon the coming into force of the regulations first made under this section the sixth paragraph of section 6 of the Town Police Clauses Act 1889 shall cease to extend to the district and any byelaws made by the Council under that paragraph shall be repealed.

(3) Where the Council propose to make regulations under this section they shall cause notice of their proposal and a statement of the effect of the proposed regulations to be published in at least one newspaper circulating within the district and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the district.

A.D. 1929.
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(4) Every such notice shall indicate the date (which shall not be less than twenty-eight days) within which any objection to the regulations shall be sent in writing to the Council and shall contain a notification of the place at which copies of the proposed regulations may be obtained free of charge.

(5) The Council shall consider and determine any objection to the proposed regulations which is sent to them in writing within the time fixed in that behalf and shall send notice of their decision to the objector who if he is dissatisfied with their decision may within fourteen days after the receipt of the notice appeal to the Minister of Transport.

(6) A notification of the right of appeal under this section shall be included in any notice sent by the Council of their decision on an objection to the regulations and upon any appeal being made to the said Minister notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the Council.

(7) The said Minister shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

(8) Before making any order under this section the said Minister may and if an appeal duly made is not withdrawn shall (unless the appeal 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 provisions in subsections (4) and (5) of the section of this Act the marginal note whereof is "Regulations for controlling traffic" as to expenses and notices of local inquiries shall extend to any local inquiry so directed by the said Minister.

(9) Where an objection has been made to regulations proposed by the Council under this section the regulations shall not be sealed by the Council until after the expiration of the time within which an appeal may be made by the objector to the said Minister or if an appeal to the said Minister has been made by the objector until after the determination or withdrawal of the appeal.

(10) Any company body or person running omnibuses in the district may at any time apply to the said Minister to modify any regulation made under this section on the ground that such regulation as in force for the time being

has been found to be or has become unsuitable for the traffic requirements of the district or has been unfairly enforced and upon any such application the said Minister after considering any representations made to him by the Council may modify or extend the regulation to which the application relates.

A.D. 1929.

(11) The Council shall not make any regulation under the powers of this section prescribing any stand or stopping place for omnibuses so as to cause any interference with or render less convenient the access to or exit from any station depôt or property belonging to any railway or canal company.

(12) A copy of any regulations approved under this section (with any modifications made by the said Minister 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.

85. 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 make regulations as to traffic on carnival &c. days.

86. The Council may delegate their powers under section 21 of the Town Police Clauses Act 1847 and under the last preceding section of this Act to a committee consisting of not less than five members of the Council and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the Council.

As to street traffic.

87. It shall be lawful for the Council at all times of public processions rejoicings or illuminations or on emergency to cause barricades to be erected across any of the streets of the district and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

Power to stop traffic on occasions of emergency.

A.D. 1929.

Notice of
processions
to be given.

88.—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the district (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Council by leaving such notice at the head police office forty-eight hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets of the district without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

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

89. 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 Public Health Acts 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 provisions of the said Acts.

Compensa-
tion for
injuring
lamps &c.

90. Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post street danger signal or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sandbin being the property of the Council shall make full compensation to the Council for the damage done and the amount of such compensation to an amount not exceeding ten pounds shall be recoverable summarily as a civil debt.

PART VII.

FINANCIAL PROVISIONS.

Power to
borrow.

91.—(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 that 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 respective revenues funds and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall respectively be "the prescribed period") mentioned in the fourth column of the same table (namely):—

A.D. 1929.

Purpose.	Amount.	Charge.	Period for repayment.
(a) For the purchase of lands under the powers of this Act.	£ The sum requisite.	The general rate fund.	Sixty years from the date or dates of borrowing.
(b) For the construction of street improvements.	3,300	The general rate fund.	Thirty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act.	The sum requisite.	The general rate fund.	Five years from the date or dates of borrowing.

Provided that no sum shall be borrowed for the purpose (a) in this subsection mentioned without the consent of the Minister.

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

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

(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.

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

A.D. 1929.

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

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

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Certain
provisions
of Public
Health Act
not to
apply.

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

Mode of
payment off
of money
borrowed.

94. 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.

Sinking
fund.

95.—(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 borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

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

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with the

accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister 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."

A.D. 1929.
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(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.

(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.

A.D. 1929.

(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 that any such increase is necessary the Council shall increase the payments to such extent as the 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 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 be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister 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 the Minister discontinue the annual payments to such sinking fund until the Minister 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 may determine. A.D. 1929.

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

96.—(1) The Council shall have power—

Power to
re-borrow.

(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.

(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 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.

A.D. 1929.

Power to
use one
form of
mortgage
for all
purposes.

-97.—(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.

(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 First Schedule to this Act or to the like effect.

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

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

(5) 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.

(6) 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.

(7) 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. A.D. 1929.

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

(9) There shall be kept at the office of the 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 descriptions 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.

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

(11) If the 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.

98. 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 one thousand nine hundred and thirty the Council may (if they think fit) establish a fund to be called Consolidated loans fund.

A.D. 1929. "the consolidated loans fund" to which shall be paid
as and when they are received—

- (a) all moneys borrowed by the Council whether by issue of bonds 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;
- (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
- (d) a sum or sums equal to the aggregate amount of all dividends and interest payable in each year on bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding;

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 before the date on 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 bonds or stock for extinction or the repayment of any moneys borrowed by the Council;
- (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
- (c) in the payment of dividends and interest on the bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding;

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 accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection. A.D. 1929.

(3) Subject to any priority existing at the passing of this Act all bonds 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.

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

(5) 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 and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

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

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

(a) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

A.D. 1929.
—

(b) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

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

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

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

Application
of money
borrowed.

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

Use of
moneys
forming part
of reserve
or super-
annuation
funds.

101. Notwithstanding anything contained in this or any other Act the Council may use for the purposes of any statutory borrowing power exerciseable by them or may pay into the consolidated loans fund established under the provisions of this Act any moneys forming part but not for the time being required for the purposes of a reserve or superannuation fund (in this section referred to as "the lending fund") subject to the following conditions :—

(1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by

and out of which a loan raised under the statutory borrowing power would be repayable
Provided that the 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 : A.D. 1929.
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(2) Interest shall be paid to the lending fund on the moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the 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 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.

102. In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) 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.

A.D. 1929.

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

103.—(1) All moneys 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 interest on any reserve fund authorised in connection therewith) 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 shall be paid out of that fund.

(2) The Council may (if they think fit) apply money received by them on account of the revenue of any of the undertakings referred to in subsection (1) of this section in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings respectively.

Fidelity
guarantee
fund.

104. The Council may if they think fit form a fund (to be called the "fidelity guarantee fund") to provide for making good any loss which they may sustain in consequence of the dishonesty of any person employed by or paid by or through the Council or the failure of any such person to perform faithfully the duties of his office and such fund shall be formed by annually appropriating thereto such sums as they from time to time deem expedient out of any revenues of the Council which are properly chargeable therewith and such fund and the interest thereon (except to the extent from time to time required to make good any such loss as aforesaid or to defray any expenditure in consequence thereof) shall be invested in statutory securities.

Education
accident
fund.

105. The Council may if they think fit form a fund (to be called the "education accident fund") to provide for meeting claims that may be made upon them as the local education authority for the district in respect of any accident or injury occurring to any person employed by them or paid by or through them or to any child or person attending the schools in the district and such fund shall be formed by annually appropriating thereto such sums out of the education account as the Council from time to time deem expedient and such fund and the interest thereon (except to the extent from time to time required to meet any such claims as aforesaid or to defray any expenditure in consequence of any such accident or injury) shall be invested in statutory securities.

106. 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 (Issue of stock) 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.

A.D. 1929.
—
Evidence of
transfer or
transmission
of securities.

107. 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.

Receipt in
case of
persons not
sui juris.

108. Any expenses of the execution by the Council of this Act with respect to which no other provision is made shall be defrayed by the Council out of the general rate fund.

Expenses of
execution of
Act.

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

Council not
to regard
trusts.

110.—(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

Appoint-
ment of
receiver.

A.D. 1929. — to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

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

Protection
of lender
from
inquiry.

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

Return to
Minister
with
respect to
repayment
of debt.

112.—(1) The 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 Council 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 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 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. A.D. 1929.
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113. 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 the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations (if any) thereof required to be set apart for or paid into such sinking fund for the purpose of providing for the repayment of moneys borrowed by the Council (that is to say):— Investment of and payments into sinking fund.

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

114. 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. Interest on mortgages held jointly.

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

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

(3) All bonds issued under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of issue of the bonds or on any other ground whatsoever and shall also rank equally with and

A.D. 1929. have the same status as all other securities issued by the Council.

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

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

Subscrip-
tions to
local
government
associations
and other
expenses.

116. The Council may pay out of the general rate fund—

(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.

PART VIII.

MISCELLANEOUS PROVISIONS.

Power to
expend
money on
lectures.

117. In addition to any other powers exerciseable by them whether as the local education authority or otherwise the Council may expend on the provision of lectures on educational or other subjects such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds and may charge for admission to such lectures.

118.—(1) The Council may cleanse and scour as they think fit and so far as may be necessary for the purpose of securing the free flow of water therein may excavate the waterway or bed and course or any part or parts thereof respectively of all rivers streams and water-courses in the district.

A.D. 1929.

—
Power to
cleanse and
improve
rivers and
water-
courses.

(2) (a) The Council may also for the purpose of preventing the silting up of the waterways of the said rivers streams and watercourses from time to time as they deem fit invert pitch straighten form and improve with such materials as they think fit or cover in and otherwise improve all or any portions of the waterway bed or course and banks of the said rivers streams and watercourses and for preventing interference with the free flow of the waters of the said rivers streams and watercourses they may from time to time construct and maintain all such walls banks arches culverts and other works in over or on the side of the rivers streams and watercourses respectively within the district as they may deem expedient making compensation to the owner lessee or occupier of the lands upon which any works may be constructed under this subsection for any damage which may be caused in the execution of such works to any roads bridges buildings works plant gardens allotments and fields abutting upon or situate near to the said rivers streams or watercourses.

(b) The Council shall submit to the owner lessee and occupier of any lands upon which any works are intended to be constructed under this subsection plans and sections of such works for the reasonable approval of the owner lessee and occupier and if within fourteen days from the date when the same shall have been submitted the owner lessee and occupier shall not have signified in writing their approval or disapproval of such plans and sections and in the case of disapproval shall not within such period have stated the reasons for such disapproval and their requirements in relation thereto the Council shall be at liberty to proceed with the works without the approval of the plans and sections.

(c) Before commencing to execute any works authorised by this subsection the Council except in case of emergency shall give to the owner lessee or occupier of the lands upon which the works are intended to be executed not less than three days' notice in writing of

A.D. 1929. — their intention to commence the same and the Council shall not without the consent in writing of the occupier of the lands execute any such works before six o'clock in the morning or after five o'clock in the afternoon.

(d) The Council shall not invert pitch cover in or otherwise deal with any portion of the waterway bed or course or the banks of any river stream or watercourse or construct any walls banks arches culverts or other works in or on the side of the same respectively in any manner which will prejudicially affect the drainage of water from lands outside the district.

(e) No buildings shall be erected or placed upon any works constructed by the Council in pursuance of this subsection in over or on the side of any of the said rivers streams and watercourses without the consent of the Council and then only upon such terms and conditions as the Council may prescribe.

(3) If any difference shall arise between the Council on the one hand and the owner lessee or occupier on the other hand in relation to the plans and sections hereinbefore in this section referred to or as to the true intent and meaning of this section or as to anything to be done or not to be done thereunder the same shall be referred to and approved by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of the Council or other party in difference.

(4) The Council shall not exercise the powers conferred by this section so as to affect any feeder culvert watercourse weir valve or other work belonging to the canal company or which the canal company is entitled to use except upon or subject to such terms and conditions as may be agreed between the Council and the canal company.

As to baths
and bathing
pools.

119. Subject to the provisions of this Act—

(1) The Council may construct on lands belonging to them and may maintain alter extend enlarge improve repair furnish and equip open or covered swimming baths and bathing pools with all necessary conveniences and appliances :

(2) The 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 admission of persons thereto such reasonable charges as they may think fit to make. A.D. 1929.

120.—(1) The Council may if they think fit in cases not within the Workmen's Compensation Acts 1906 to 1923 or the Local Government and other Officers' Superannuation Act 1922 grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service. Power to grant gratuities in certain cases.

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

(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Council as the local education authority for the district or permanently and exclusively employed in any public elementary school in the district whether provided by the Council as the local education authority or not so provided.

121.—(1) The Council may on land belonging to them or acquired by them for the purpose erect and construct and hold furnish equip maintain insure Power to erect town hall.

A.D. 1929.— and carry on a town hall and municipal buildings with a room for public meetings and all necessary and suitable offices and conveniences and may for such purposes alter adapt extend or otherwise deal with existing buildings for the time belonging to them.

(2) The Council may in connection with or as part of the town hall and municipal buildings provide erect and maintain shops offices and other accommodation and conveniences and may let the same on lease or otherwise or any part or parts of the same for such purposes on such conditions and for such periods as they think fit.

Recovery of
rate from
persons
removing.

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

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

123. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the district execute or re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the 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 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.

124. 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 Parts IV or V 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.

A.D. 1929.
 —
 Penalty on occupiers refusing execution of Act.

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

Power of entry.

126. 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.

General provisions as to bye-laws.

127. 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.

Breach of conditions of consent of Council.

128. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or

Appeal.

A.D. 1929. — approval of or by the Council or of or by any officer of the Council under the provisions of Parts IV and V 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.

Recovery of demands. **129.** 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.

Evidence of appointments authority &c. **130.** 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 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.

Authentication and service of notices. **131.**—(1) Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act

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

A.D. 1929.

132. 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.

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

Expenses may be declared private improvement expenses.

134. Save as herein expressly provided all information 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.

Information by whom to be laid.

135. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this

Powers of Act cumulative.

A.D. 1929. Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Saving for
indictment
&c.

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

Inquiries by
Minister.

137.—(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 Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

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

Several
sums in one
summons.

138. 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.

Inquiries
by Minister
of Trans-
port.

139. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act or any existing Act or Order of or applicable to 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." A.D. 1929.

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

141. A judge of any court or a justice shall not be disqualified from acting in the execution of any local enactment from time to time in force within the district by reason of his being liable to any rate. Judges &c. not disqualified.

142. For the protection of the London Midland and Scottish Railway Company and the Great Western Railway Company (each of whom is in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Council apply and have effect in addition to and not in derogation of any other protection afforded to the company by this Act in regard to the exercise by the Council of the powers of the section of this Act of which the marginal note is "Power to cleanse and improve rivers and watercourses" (that is to say):— For further protection of London Midland and Scottish and Great Western Railway Companies.

- (a) The Council shall not carry out any works under the powers of the said section so as in any way to interfere with or injuriously affect the structure of any bridge or work belonging to the company;
- (b) The Council shall not carry out any works under the powers of the said section so as in any way to interfere with the waterway bed or course of any stream or watercourse passing under through or by the side of any work of the company until after twenty-eight days' previous notice in writing shall have been given to the principal engineer for the time being of the company (hereinafter referred to as "the principal engineer");
- (c) All such works where situate under through or by the side of any work of the company shall be carried out in accordance with plans and

A.D. 1929.
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particulars submitted to and approved by the principal engineer or failing agreement as may be determined by arbitration as hereinafter provided and shall be done under the superintendence if given and to the reasonable satisfaction of such engineer;

- (d) All works done under the powers of the said section shall be done so as not to cause any injury to any such work of the company and if any injury shall arise to any such work of the company in consequence of any such works of the Council the Council shall make full compensation to the company in respect of such injury;
- (e) The Council shall not carry out any works under the powers of the said section until all temporary works which may be reasonably necessary to support and to ensure the safety of the railways works and property of the company shall have been completed provided that such temporary works may (if the company so determine and give notice in writing thereof to the Council within twenty-one days after the submission of plans sections and specifications to them in accordance with the foregoing provisions of this section) be carried out by the company with all reasonable dispatch and any expenses reasonably incurred by the company in so doing shall be repaid to them by the Council;
- (f) No apportionment of the expense of any works incurred in carrying out any of the works authorised by the said section shall be charged upon the company;
- (g) Any dispute or difference which may arise between the company and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the company or the Council and the Arbitration Act 1889 shall apply to such arbitration.

143. The provisions of the section of this Act of which the marginal note is "For further protection of London Midland and Scottish and Great Western Railway Companies" shall apply mutatis mutandis to the canal company.

A.D. 1929.
 —
 For protec-
 tion of
 canal com-
 pany.

144. Notwithstanding anything contained in this Act the following provisions for the protection of the South Staffordshire Waterworks Company (in this section called "the company") shall unless otherwise agreed in writing between the Council and the company apply and have effect (that is to say) :—

For further
 protection
 of South
 Stafford-
 shire
 Waterworks
 Company.

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

(2) Before commencing to execute any work in any street or road in which any apparatus is laid which work will be within three feet of such apparatus or to exercise any powers under the section of this Act of which the marginal note is "Power to cleanse and improve rivers and watercourses" which may be liable to affect any apparatus the Council shall give to the company not less than fourteen days' notice in writing of their intention to execute such work or to exercise such powers and shall at the same time deliver to the company for their reasonable approval a plan and section of the work which the Council propose to execute and such work shall not be executed except in accordance with such plan and section as so approved or as determined by arbitration under this section Provided that in the event of such plan and section not being objected to within fourteen days from the receipt thereof they shall be deemed to have been approved by the company The Council shall also if required to do so by the company give them any such further information in relation to such work as they may reasonably require :

(3) If it should appear to the company that the execution of such work as proposed would

A.D. 1929.
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interfere with or endanger any such apparatus or interfere with access thereto or impede the supply of water the company may within fourteen days from the receipt by them of the notice by the Council give notice to the Council to alter the position of such apparatus in such manner as may be reasonably necessary and any difference as to the necessity of any such alteration or the manner of carrying out the alteration shall be settled by arbitration under this section and all such alterations shall save as hereinafter provided be carried out by and at the expense of the Council with as little detriment and inconvenience to the company as the circumstances will admit and to the reasonable satisfaction of the engineer of the company and under his superintendence if he think fit to attend after receiving not less than three days' notice for that purpose which notice the Council are hereby required to give :

- (4) The Council in executing any such work shall not remove or displace any apparatus without the consent of the company or in any other manner than the company shall approve until good and sufficient substituted apparatus and other works necessary or proper for continuing the supply of water as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Council have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the engineer of the company :
- (5) Whenever by reason of the exercise by the Council of any powers under this Act any apparatus (other than apparatus for which new apparatus has been substituted by or at the expense of the Council under the provisions of this section) shall be rendered derelict useless or unnecessary the Council shall forthwith pay to the company such a sum as may be agreed between the Council and the company or as failing such agreement may be determined by arbitration as hereinafter provided to be the then

A.D. 1929.

value of such apparatus as apparatus and such apparatus shall thereupon become the property of the Council and in addition to such payment the Council shall pay to the company the reasonable cost of and incidental to the cutting off of any such derelict useless or unnecessary apparatus from any other apparatus of the company and of and incidental to any other works or things rendered necessary in consequence of such apparatus being rendered derelict useless or unnecessary by the exercise by the Council of the powers of this Act :

- (6) The Council in executing any such work shall make good all damage done by them to any apparatus and shall make full compensation to the company for any loss (other than loss of revenue) damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service pipes of any person supplied by the company with water :
- (7) If the company shall desire to execute the works connected with any alteration of position removal displacement or renewal of or necessary additions to any apparatus under the powers of this Act and shall give not less than seven days' notice in writing thereof to the Council before they commence the work the company may themselves carry out the work and all reasonable expenses properly incurred by them in connection with the works or provision of apparatus shall be repaid to them by the Council :
- (8) If any difference shall arise with respect to any matter under this section between the Council and the company or their respective engineers the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party (after notice in writing thereof 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 settlement by arbitration.

A.D. 1929:

For protection
of Shropshire
Worcestershire
and Staffordshire
Electric Power
Company.

Crown
rights.

Costs of
Act.

145. Nothing in this Act shall authorise any interference with electric lines and works of the Shropshire Worcestershire and Staffordshire Electric Power Company 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.

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

147. 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 general rate fund but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1929.

THE FIRST SCHEDULE.

FORM OF MORTGAGE.

URBAN DISTRICT OF OLDBURY.

By virtue of the Oldbury Urban District Council Act 1929 and of other their powers in that behalf them enabling the Oldbury Urban District Council (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]:

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

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

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

Dated this _____ day of _____
 nineteen hundred and _____

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 Oldbury bearing
date the day of

] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this _____ day of _____
nineteen hundred and _____.

THE SECOND SCHEDULE.

A.D. 1929.

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

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

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

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

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

4. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the office of the treasurer on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

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

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

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

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

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

[Ch. lxxi.] *Oldbury Urban* [19 & 20 GEO. 5.]
District Council Act, 1929.

A.D. 1929.

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

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

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

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

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

No.

URBAN DISTRICT OF OLDBURY.

OLDBURY URBAN DISTRICT COUNCIL BONDS.

per centum Oldbury Urban District Council
bond repayable at par 19
at the

This is to certify that of
is the registered holder of a Council bond for
pounds (£) issued by the Oldbury Urban District
Council under the Oldbury Urban District Council Act 1929
at

Signed

(Treasurer)

Date

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

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

FORM OF DEED OF TRANSFER.

OLDBURY URBAN DISTRICT COUNCIL BONDS.

I
in consideration of the sum of

paid by

(hereinafter called A.D. 1929.
"the transferee") do hereby assign and transfer to the said
transferee :—

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

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

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

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

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

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

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

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

A.D. 1929.

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

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

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

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

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

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

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

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

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

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

[19 & 20 GEO. 5.] *Oldbury Urban* [Ch. lxxi.]
District Council Act, 1929.

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Council or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes of this Act. A.D. 1929.

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